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TOWARD MORE HUMANE AND EFFECTIVE SANCTIONS  
MANAGEMENT: ENHANCING THE CAPACITY OF THE  
UNITED NATIONS SYSTEM

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## EXECUTIVE SUMMARY

### ENHANCING THE CAPACITY OF THE UNITED NATIONS SYSTEM: TOWARD MORE HUMANE AND EFFECTIVE SANCTIONS MANAGEMENT

Increased concerns about the negative humanitarian consequences of multilateral sanctions have prompted calls for reform. Drawing upon expertise in both humanitarian activities and sanctions scholarship, the report by independent analysts offers a series of recommendations to the United Nations system for ameliorating the adverse humanitarian consequences of sanctions and making their implementation more effective and accountable. The authors call for greater transparency in the functioning of UN sanctions committees and urge that the present ad hoc policy be replaced by a more regime-like system characterized by agreed principles, rules, and procedures.

The report offers a methodology for preassessing and monitoring the humanitarian impacts of sanctions. The methodology builds upon existing capabilities and precedents, including the February 1997 Department of Humanitarian Affairs review of the potential humanitarian impacts of the proposed flight ban against the Sudan. The report recommends utilizing the UN system's existing preassessment and monitoring capabilities to create a mechanism for anticipating and tracking sanctions impacts. The proposed methodology encourages ameliorative action in the face of severe humanitarian impacts. Decisions to reduce the suffering of children or minimize other adverse consequences can be taken without jeopardizing the policy aims of sanctions.

The recommended methodology is based on a set of indicators that measure impacts in five categories: public health, economics, population displacement, governance and civil society, and humanitarian activities. Proposed indicators within these categories are designed to keep the number of benchmarks manageable, rely wherever possible on existing data, and utilize both quantitative and qualitative measures. The report recognizes

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that the selection and application of indicators for a given setting should reflect country-specific, community-based conditions and rely on judgments by officials and experts familiar with a local situation.

The methodology outlines a multistep process that monitors changes over time in baseline data against certain specified change indicators. (Table 3)

- In the category of public health, change indicators include increases in infant deaths, wastage and stunting of children, decreased visits to medical facilities, reported cases of previously eradicated diseases, a rise in the percentage of low-weight infants, and a deterioration of water supply.
- *Economic* indicators include adverse changes in income distribution, declining availability of essential goods, and a change in the urban/rural population mix.
- *Population* indicators include increased involuntary population flows and the creation or rapid expansion of refugee camps or concentrations of internally displaced persons.
- Indicators for *governance and civil society* include increased crime and repression, fewer independent civic organizations, and the suppression of political parties and independent media.
- The key indicator in the *humanitarian activities* category is an increased inability of agencies to meet the needs of growing numbers of people requesting assistance.

The report urges the development of an action plan, including financial implications, for creating a UN sanctions preassessment and monitoring mechanism to implement the recommendations of the report.

Humanitarian exemptions, the report notes, represent the hinge between the use of sanctions to achieve stated political

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objectives and the protection of the rights of civilian populations in targeted countries to receive humanitarian assistance. Provisions for exemptions are currently included in most sanctions resolutions, and administrative procedures set up by the Security Council's sanctions committees for processing applications have improved somewhat in recent years. Yet the review procedures remain cumbersome and aid agencies still encounter difficulties in obtaining approval for exempted supplies. Preoccupied with aid agency applications, the sanctions committees neglect larger problems of commercial and governmental violations in the form of black-marketing, illicit trade, and corruption.

Reviewing recent experiences with sanctions exemptions, the report outlines the advantages and disadvantages of three different policy options for managing exemptions.

- The *institution-specific option*, preferred by many major UN-affiliated agencies, minimizes administrative burdens and affirms the importance of humanitarian activities. Its disadvantages include a lack of control by the UN Security Council, the possibility that agencies may import more than is needed, and the fact that unaffiliated agencies would still be required to seek specific committee approval.
- The *item-specific approach* saves administrative time and resources and enables a more consistent approach to sanctions management. However, case-by-case review would still be necessary (for example, for dual-use items). Governments wishing to maintain tight control over sanctions policy may be reluctant to give up the prerogative of making specific determinations. This option has been recommended by the Open Ended Working Committee on An Agenda for Peace; the World Health Organization and other agencies have developed standardized lists of items for a priori exemption.
- The current practice of *country-specific exemptions* takes into account the idiosyncratic nature of each crisis and country and

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retains sanctions committee control over the type and quantity of exemptions. Disadvantages include the massive volume of communications (140,000 in the case of Yugoslavia alone), the time and expense involved for committees and aid agencies, and committee inattention to broader policy concerns.

Given the diversity of considerations involved, the report does not recommend one option over the others. However, it views greater simplicity, consistency, and transparency in the exemptions process as indispensable to the more humane and effective sanctions management of economic sanctions and to their credibility.

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## PROLOGUE

Economic sanctions are a preferred policy instrument for dealing with myriad threats to international peace and security. The end of the Cold War created a climate within the United Nations (UN) Security Council. Sanctions, both comprehensive and partial, are a more viable policy option than earlier. They are no longer the virtual dead letter of the Charter that they had been for the preceding 45 years when the Security Council used them only against Rhodesia in 1966 and South Africa in 1977.<sup>1</sup> Since 1990, the council has invoked sanctions ten times, including three cases of comprehensive sanctions against Iraq, former Yugoslavia, and Haiti. A similar trend emerges in U.S. foreign policy, where economic coercion is “fast becoming the United States’ policy tool of choice.”<sup>2</sup>

The new pattern of using sanctions stands out not only for the frequency but also for the wide range of purposes that they are intended to serve. The Security Council has used them as the centerpiece of efforts to repel aggression, restore democracy, condemn human rights abuses, and punish regimes harboring terrorists and others charged with international crimes.<sup>3</sup> Whereas sanctions have traditionally been used against states, the council also has recently imposed sanctions against two non-state actors: the Khmer Rouge in Cambodia (formerly Kampuchea) and the National Union for the Total Independence of Angola (UNITA).

In this changing geopolitical environment, sanctions have gained in attractiveness because they afford countries with quite different foreign policies a kind of “mini-max” opportunity to forge shared responses in crises in which their policies might otherwise diverge. Nonforcible sanctions also give national leaders the ability to “do something,” while simultaneously refraining from high risk military engagements whose attractiveness has declined in the minds of many policy elites. Constraining factors include the unwillingness of Western publics to sustain casualties in overseas military operations when national interests are not perceived as vital. Their lower cost and lower risk make sanctions

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an increasingly attractive alternative to the use of force. Attractiveness notwithstanding, there is a certain irony in that economic sanctions in Iraq, the former Yugoslavia, and Haiti gave way to substantial military action.<sup>4</sup>

Humanitarian considerations, our preoccupation here, have further complicated these political and economic realities. The harmful effects of sanctions on the adequate functioning of health and other social services have become central to the policy debate. Damages to social safety nets in targeted countries have been most thoroughly documented in Iraq but are present in other cases as well, illustrating another disturbing irony that appears when economic sanctions are imposed. On the one hand, such measures are used often with an expressed rationale of avoiding the ostensibly more inhumane application of military force. On the other hand, the short-term humanitarian consequences and longer-term structural effects of economic sanctions are considerable. Indeed, prolonged sanctions (Iraq multilaterally and Cuba unilaterally) would appear to be often as harmful as war itself. A two-part research question results: How pervasive are the negative humanitarian consequences of sanctions, and does the realization of the political objectives of sanctions provide the basis for tolerating the substantial domestic suffering that invariably results?<sup>5</sup>

In late 1995, we were asked by the United Nations to make recommendations on ways of strengthening its management of economic sanctions. Our terms of reference, reflecting the mandates of the agencies commissioning us, focused on humanitarian issues, including means for assessing more effectively the humanitarian impact of sanctions and for protecting civilian populations and agencies assisting them from the negative impacts of such measures. Throughout our work, however, aid officials argued that since making sanctions more politically effective would require making them more inhumane, we should tackle the perceived contradiction between sanctions and humane values. Conversely, those working on political and security matters, believing that more humane sanctions would reduce political impacts, encouraged us to maintain a narrow-bore focus on technical issues.

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Submitted to the United Nations on October 6, 1997, our report respects the terms of reference that we were given and focuses on the strictly humanitarian aspects of sanctions.<sup>6</sup> In reprinting it here to encourage its circulation to a wider readership, we are adding this prologue to address broader political objectives, context, and trade-offs. The remaining sections of this occasional paper contain only minor factual or documentary changes in the report as originally submitted. Following the executive summary and preface, chapters 1 and 2 provide a context and methodology for our study. Chapter 3 reviews humanitarian exceptions and suggests ways for strengthening the UN's management of sanctions to reduce negative humanitarian impacts without sacrificing political effectiveness.

In exploring the broader political issues, this prologue draws upon material from our recent edited book, *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions*. It focuses on tensions and trade-offs between effectiveness and humaneness by examining the broader political and ethical issues associated with economic sanctions. We also bring to bear experience emerging from the four major multilateral sanctions episodes—South Africa, Iraq, former Yugoslavia, and Haiti—that form the experiential core of our volume.<sup>7</sup> We conclude with a discussion of “smart” sanctions and their influence on the internal political dynamics within targeted countries. We argue that a more strategic, targeted, and accountable use of sanctions can increase the prospects of political success while avoiding disproportionate humanitarian consequences.

### Political and Moral Context

Recent research and policy discussions regarding multilateral economic sanctions have recognized that such measures carry a host of primary and secondary goals, some more successfully attained than others. Although there is widely-held skepticism about the utility of sanctions in achieving stated political objectives, they nevertheless appear attractive on their face relative to

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alternative instruments of policy.<sup>8</sup> At the same time, there are growing misgivings about sanctions given a lack of consistency and transparency and an absence of effective mechanisms for their monitoring, enforcement, and evaluation.<sup>9</sup>

Despite such divergent perspectives on sanctions as an instrument of policy, there is an area of convergence between those who apply economic sanctions (hereafter referred to as “policymakers” and “sanctioners”) and those who seek to minister to the casualties of their application (“humanitarian practitioners”). This convergence has yet to result in consensus regarding the point at which the adverse impact of sanctions on civilians becomes such a humanitarian emergency that any potential political success pales by comparison. Nor has it yielded agreement regarding whether sanctioners and practitioners have an obligation to develop a strategy for anticipating and dealing with this eventuality.

Although concern about the humanitarian consequences and limits of sanctions is virtually nonexistent in the academic literature, it has been part of an ongoing policy debate within international organizations.<sup>10</sup> The discussion has become more heated as sanctions have gained increasing currency and as humanitarian consequences have become more numerous and widely publicized. In 1992, UN High Commissioner for Refugees Sadako Ogata urged that sanctions operate “without making the disadvantaged even more disadvantaged.”<sup>11</sup> An October 1993 message to UN Secretary-General Boutros Boutros-Ghali from Under-Secretary-General for Humanitarian Affairs Jan Eliasson expressed a similar caution. In fact, the Inter-Agency Standing Committee (IASC), a group of UN humanitarian organizations and associated private agencies, examined the difficulties in a statement three years in the vetting, “Protection of Humanitarian Mandates in Conflict Situations.”

Humanitarian and political objectives do not always coincide and even may be contradictory. Economic sanctions, for example, often have negative consequences for vulnerable groups

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and often directly affect the poorest strata of the population. Sanctions may hamper the delivery of humanitarian relief and the ability of agencies to respond quickly and effectively to the needs of the most severely affected persons. Procedures must be streamlined to limit the effect of sanctions on humanitarian action as much as possible. Humanitarian organizations could pursue a unified proactive approach, within the framework of IASC, which would serve as an effective instrument of humanitarian advocacy in the Security Council and in other fora.<sup>12</sup>

Former UN Secretary-General Boutros-Ghali captured the increasingly troubling tensions between civilian gain and political pain in his 1995 *Supplement to An Agenda for Peace*. He noted that sanctions are a “blunt instrument” that inflict suffering on vulnerable groups, complicate the work of humanitarian agencies, cause long-term damage to the productive capacity of target nations, and generate severe effects on neighboring countries. Although not rejecting the use of sanctions, the secretary-general urged reforms in their implementation to minimize suffering and special assistance to vulnerable populations. He called for a new UN “mechanism” to monitor and assess sanctions impact, ensure the delivery of humanitarian assistance to vulnerable groups, and to help maximize the political impact of sanctions while minimizing collateral damage.<sup>13</sup>

Concern with negative humanitarian consequences has increasingly preoccupied UN agencies charged with protecting vulnerable groups and social sectors as well. Detailed reviews of the situations in the ground in targeted nations such as Iraq and Haiti have been commissioned or carried out by organizations such as the UN Children’s Fund (UNICEF) and the Food and Agricultural Organization (FAO). In a 1995 report, the International Federation of Red Cross and Red Crescent Societies (IFRC) concluded that sanctions against Iraq, Haiti, Serbia, and Montenegro

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“have paid only minimal political dividends at a very high price in human terms.” The Federation urged that sanctions “should operate within prescribed limits” and that efforts be made to focus “the political and economic impact of sanctions on those in power.<sup>14</sup> The ICRC has also devoted considerable attention to sanctions in recent years. While not challenging the appropriateness of sanctions as a policy instrument, the organization has carefully delineated the adverse humanitarian consequences that, within the terms of its mandate, it feels compelled to address.

In the current debate about effectiveness and humaneness, many practitioners condition any explicit or implicit support for sanctions on measures that are more discriminating in their targets and more benign in their impacts on vulnerable populations. For their part, many sanctioners acknowledge that the political efficacy of coercive measures may be undercut by indiscriminate and disproportionate effects on civilians. The report prepared for the United Nations that forms the bulk of this occasional paper seeks to enhance the capacity of the system to manage sanctions more effectively; the balance of this Prologue addresses the related issues of political objectives and context.

### Effectiveness in Four Cases

Defining “success” has been a major theme of research on the topic of sanctions. Much depends on the goals of sanctions, the context in which they are adopted, and the manner in which they are implemented. Evaluation of effectiveness can benefit from generalizations that have emerged from empirical research in recent decades; these provide the major categories for reviewing political expectations and results. This literature, based to be sure largely on experience with unilateral sanctions, may serve as a guidepost for understanding likely political outcomes—and the time required to achieve them. These outcomes may then be weighed against the levels of civilian pain that in a given instance may result.

The major empirical study in the field, undertaken by Gary Hufbauer and colleagues at the Institute for International Economics

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(IIE), shows an overall success rate of 34 percent for 116 cases of sanctions from 1914 to 1990.<sup>15</sup> A recent critique of the IIE study suggests that the success rate may, in fact, be much lower.<sup>16</sup> Many academics concur. Margaret Doxey, the dean of sanctions scholars, argues that sanctions are capable of achieving modest gains of the “slap on the wrist” variety but that “a major change in policy [is] harder to come by.”<sup>17</sup> Even scholars such as Richard Falk, who eschew military intervention and advocate more nonviolent and multilateral means of responding to aggression, concede that “the difficulty with economic sanctions is that they cannot be effective, or that it is hard to make them effective.”<sup>18</sup> The caution about economic sanctions expressed by many policy elites reflects a widely held view that the success rate of such measures is simply too low.

Sanctions do not have an impressive record in accomplishing stated political changes in target countries, but they may nevertheless address certain wider goals. As Alan Dowty has argued, “the ‘success’ of sanctions depends on what goals they are measured against.”<sup>19</sup> Sanctions serve multiple purposes, each requiring separate assessments. Beyond officially declared purposes, other objectives can be identified: establishing deterrence, demonstrating resolve to allies or domestic constituents, sending symbolic messages, and enhancing respect for international norms. These objectives are often more easily accomplished than changes on the ground. When sanctions are meant as a signal of international disapproval of a particular regime or its abusive behavior, for instance, leaders can cite the solidarity of the states imposing sanctions as a signal of success. However, if the focus is solely on policy change such as coercing Qadhafi’s Libyan government to extradite individuals allegedly engaged in airline terrorism, positive political results are much harder to achieve. The record demonstrates that sanctions by themselves have limited ability to alter an aberrant regime’s behavior.

Although sanctions alone have seldom brought about major policy changes, they may make a positive contribution—when properly blended with a full range of other international actions,

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including the threat of military force—by exerting pressure on the leaders of target regimes to negotiate. Sanctions may encourage political compromise or spark a process of dialogue and negotiation, partly because they alter the calculations by a regime regarding whether to continue a particular course of action. This “changing costs” approach works best as part of carrots-and-sticks diplomacy designed to bring about a negotiated solution. A review of multilateral sanctions against South Africa, Iraq, former Yugoslavia, and Haiti suggests that in none of these cases did sanctions alone bring about desired changes. To varying degrees, however, they spurred processes of compromise and negotiation and contributed to political efforts to resolve the crises. That contribution was substantial in the case of South Africa, considerably less in Iraq and Yugoslavia, and minimal in Haiti. Each of these episodes requires review.

Sanctions against South Africa, it is widely agreed, accomplished their political objectives. They helped persuade elements of the white business and governmental elites that the costs of maintaining the apartheid system were too high and that it was necessary to initiate a dialogue with the African National Congress (ANC). Through the gradual buildup of economic pressure, much of it resulting from grassroots divestment campaigns in Europe and North America, sanctions curtailed South African access to international finance, forced the regime to pay a surcharge on oil purchases and other imports, contributed to declining growth rates, and, by depriving the military of spare parts, compromised South Africa’s air superiority and the effectiveness of its military intervention in Angola.

The authorities in Pretoria sought to deflect the force of sanctions through import substitution and greater self sufficiency, especially in arms production. These responses had unintended positive side effects, including the relaxation of apartheid strictures and broadened educational and job opportunities for black workers, which in turn strengthened the effectiveness of organized labor and the resistance movement against apartheid. The combination of mounting internal political opposition and growing

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international economic isolation convinced political leaders to begin the dialogue with Nelson Mandela that eventually led to a nonracial democracy.<sup>20</sup>

To be sure, this multifaceted and long-term economic pressure also resulted in deteriorated economic and humanitarian conditions for many black South Africans from a base that already was poor. However, the continued support of the major black protest movements for such international action was combined with the inherent limits in the economics of apartheid. Consequently, it was clear that whatever economic benefits might have come to South Africa without sanctions, surely these benefits would not have been reaped by most blacks whose position within the apartheid system precluded such a development. This reality makes South Africa an unusual case in the sanctions experience to date.

In the case of Iraq, sanctions are judged to have been quite effective in the initial months after their imposition in August 1990, although they were upstaged by the application of military force in January 1991.<sup>21</sup> Comprehensive sanctions remained in place after the war, without any noticeable effect in diminishing Saddam Hussein's power. Yet sanctions had some limited impact in pressuring Baghdad to comply at least partially with UN demands. Rolf Ekeus, head of the UN Special Commission (UNSCOM) charged with eliminating Iraq's weapons of mass destruction, judged sanctions "very important" in pressuring Baghdad to accept some of the commission's demands.<sup>22</sup> In November 1993, Iraq accepted the provisions of Security Council resolution 715 and consented to the stationing of a permanent UN weapons inspection team on its territory. A year later, the regime formally recognized the redrawn borders established by the UN Iraq-Kuwait Boundary Demarcation Commission.

These important concessions were brought about in part by Baghdad's desire to have sanctions lifted. If the Security Council had reciprocated with an easing of sanctions pressure, further steps toward compromise might have been forthcoming. Instead, the council maintained unrelenting pressure, finally agreeing to arrangements in May 1997 according to which a specified amount

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of Iraqi oil sales would be allowed, the proceeds from which would be used for the purchase of humanitarian essentials and for war reparations to Kuwait. The council's unyielding position reflected the apparent U.S. and British desire to maintain sanctions against Iraq indefinitely as a form of military and political containment against the Hussein regime.<sup>23</sup>

As of December 1997, the council and Iraq were again sparring about sanctions as a means to ensure compliance with the UN's mandate to inspect all Iraqi sites suspected of harboring chemical and biological weapons programs. Iraqi obstruction and obstreperousness was variously understood to convey that the Iraqis were developing such weapons, that sanctions were hurting the economy sufficiently to justify risking allied military responses to have them eased, or that the Iraqis doubted that the council had sufficient consensus to stay the course.

The debate about sanctions highlighted afresh the disproportionate damage to vulnerable groups after more than seven years of such measures. Whereas aid agencies sought more humanitarian aid, Washington and London cautioned lest an increase in oil-for-food program levels be viewed as representing political concessions to Saddam Hussein. In December, the council decided to maintain temporarily export levels at \$2.1 billion—two-thirds of which are devoted to purchasing food and medicine. Promises in the corridors about considering increases in the future were followed by a resolution that put off a decision about a possible augmentation until an official recommendation was made by Secretary-General Annan in January. Sanctions seemed, in short, a lose-lose experience, with few political gains to show for massive civilian pain.

Sanctions in the former Yugoslavia had mixed results. Imposed in May 1992 against Serbia and Montenegro, the economic blockade was tightened later in 1992 and then again in 1993 in an effort to force Slobodan Milosevic to cease backing the Bosnian Serbs and to support peace agreements being negotiated by UN and European Community (EC) diplomats. Soon after sanctions were imposed, the regime began to adjust its policies, urging

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(without success) the Bosnian Serbs to accept the Vance-Owen plan in 1993 and lending support to subsequent negotiations and the Dayton accords.

Some analysts have concluded that sanctions “moderated the conduct of Belgrade’s most immoderate leadership” and “induced whatever slight propensity has been shown to negotiate.”<sup>24</sup> A UN study claims that sanctions were “the single most important reason for the government in Belgrade changing its policies and accepting a negotiated peace agreement.”<sup>25</sup> Yet questions remain about the specific role of sanctions in persuading Milosevic to join the peace process and about the impact of such pressure on the Bosnian Serbs themselves.<sup>26</sup> The role of military force, especially the Croat-Bosnian military offensive of late summer and fall of 1995 and the accompanying NATO bombing campaign, undoubtedly played a more important role in the months immediately preceding the Dayton negotiations. If sanctions bore at most only an indirect relation to the process of negotiating an end to the war, the link between the Dayton accords themselves and a durable peace in the former Yugoslavia is equally tenuous. The use of sanctions in support of flawed peace agreements should not, however, discredit sanctions as policy tool.

The experience of sanctions in Haiti was even more ambiguous—and even more tangential to the successful resolution of the crisis. The Organization of American States (OAS) imposed sanctions in September 1991 after the military overthrow of the democratically elected government of President Jean-Baptiste Aristide; but these measures proved highly porous. When the UN Security Council imposed more comprehensive measures in June 1993, the military junta promptly accepted negotiations and soon thereafter signed the Governor’s Island accord pledging the restoration of Aristide to office. Although the agreement removed sanctions before Aristide’s return to power, the military regime promptly reneged on its promises. When sanctions were reimposed in October 1993 and tightened in May 1994, they had little or no impact on junta intransigence but immediate and substantial negative consequences for Haiti’s population and longer-term

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fallout on the economy and environment. When the regime finally stepped aside in September 1994, the decisive factor was not sanctions but the UN-authorized show of U.S. military force. As in South Africa but not in the former Yugoslavia or Iraq, sanctions were encouraged and supported by many of the poor who were willing to suffer in exchange for international pressure on the junta. Flawed and inconsistent implementation doomed the policy, however, and left the poor disenchanting as well.<sup>27</sup>

An evaluation of the humanitarian impacts of sanctions in these four cases shows no direct correlation between the level of suffering and the degree of political change. If anything, an inverse relationship may be involved because sanctions had the greatest impact in South Africa, which was also the episode with the least additional humanitarian hardship. By contrast, where social and economic impacts were most severe, in Iraq and Haiti, sanctions had little or no direct impact on the stated instrumental purposes for their imposition. Overall, humanitarian impacts were least severe in South Africa, followed in order of severity by former Yugoslavia, Haiti, and Iraq as is evident from the following brief discussions.

In the South African case, one of our colleagues has concluded, "most indicators of health continued to show some improvement...even after the imposition of the most biting economic sanctions of the mid-1980s."<sup>28</sup> The sanctions-related drop in employment of approximately 100,000 jobs was offset by an equivalent increase of employment in the newly stimulated arms industry. Health conditions for the majority of the African population were abysmal, but due more to the continuing legacy of apartheid rather than the consequences of sanctions. The humanitarian consequences of sanctions in South Africa were much more varied and complex than many are aware, but on balance they were not severe.

In Iraq, by contrast, sanctions resulted in what is widely held to represent a humanitarian catastrophe.<sup>29</sup> Health and mortality statistics document alarming deterioration. Typhoid incidents jumped more than tenfold, from 11 per 100,000 in 1990 to 142

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per 100,000 in 1994. Cholera, scarcely detected in the 1980s, reached near-epidemic levels after the Gulf War. Malnutrition among children rose sharply, the percentage of underweight children under five years climbing from seven percent in 1991 to 29 percent in 1995. Rates of stunting and wasting among children jumped 230 percent and 400 percent respectively during the same period. Most disastrous of all has been a reported increase in the rate of infant and child mortality. A 1995 study by the UN Food and Agricultural Organization reported a death rate among children under five years of age five times greater than during the immediate prewar period. Although some of the data have been challenged, the existence of a severe humanitarian crisis is undeniable.<sup>30</sup>

Sanctions in former Yugoslavia had serious consequences, although they appear to have been less traumatic and perhaps also less well documented than in other situations. According to our colleagues, sanctions against Serbia and Montenegro “increased the needs of the population while at the same time limiting the provision of health and human services that relied on imported products.”<sup>31</sup> Sanctions exacerbated the already severe humanitarian consequences of war, national dissolution, economic collapse, and massive involuntary population displacements. Sanctions contributed to declining economic production, rising unemployment, and skyrocketing inflation. Health conditions deteriorated sharply, as evidenced in an increase in the infant mortality rate between 1991 and 1993. Mortality rates for children under five years of age also increased during the same period. While rural populations were able to maintain subsistence agricultural production, urban dwellers faced serious food shortages and sharply higher costs for basic foodstuffs.

In Haiti sanctions intensified the suffering caused by military repression and the country’s long history of exploitation and impoverishment. According to Elizabeth D. Gibbons, UNICEF representative in Haiti during the period of the sanctions, OAS and UN embargoes were disastrous for the Haitian economy and the welfare of ordinary citizens.<sup>32</sup> Malnutrition rates among children

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under five increased from 50 percent in 1993 to 61 percent in 1994. Immunization coverage of children under five dropped from an already low 40 percent in 1991 to as little as twelve percent two years later. The percentage of Port-Au-Prince residents with access to potable water dropped from 53 percent in 1990 to 35 percent in 1994.<sup>33</sup> During the embargo, the mortality rate of children between the ages of one and four rose from 56 to 61 per thousand.<sup>34</sup> Although international sanctions against Haiti were supported by the Lavalas movement, which provided a political voice for many of those who suffered most under these measures, the sanctions ultimately imposed a severe cost on the country and achieved little in terms of political gain.

In each of the four cases, sanctions caused humanitarian hardships, ranging from minimal in South Africa to severe in Iraq. In each, sanctions also played a role in exerting pressure on targeted leaders, again with varying degrees of effectiveness. The civilian pain and political gain calculus varied. In South Africa, substantial gain was achieved with bearable increases in civilian suffering; in fact, indirect benefits accrued to at least some members of the majority. In Iraq, sanctions figured in some political concessions by the regime in Baghdad while exacerbating widespread suffering among the Iraqi people. Such scant political gain was achieved at substantial human cost. In former Yugoslavia, sanctions contributed to a political settlement while causing serious economic and social hardships. The political gains were modest, the civilian pain severe. In Haiti sanctions helped bring the military junta to the bargaining table, but not to step down. Their contribution to the final settlement proved to be minimal, while the humanitarian cost was severe.

### Assuming Responsibility for Sanctions

Whatever the consequences of sanctions for civilian populations, views differ about who should assume responsibility. Supporters of sanctions tend to place the responsibility squarely on reprobate regimes. It is they who bring sanctions down upon

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themselves, who hold the key to removing them by changing objectionable policies, and whose allocation of newly scarce resources can moderate or exacerbate the suffering of their people. In the starkest case of Iraq, children are dying not because essential financial and commercial transfers have been curtailed, but because Saddam Hussein has poured resources into opulent palaces, rebuilt the military, and continued to develop weapons of mass destruction. Humanitarian efforts to assist those affected should not be curtailed, but the onus for the suffering is on the authorities rather than on the international community.

If this perspective tends to exonerate those who impose sanctions from responsibility for their consequences, another view sharpens the responsibility of the international community for the suffering associated with its policies. Societal dislocations are indeed part and parcel of the sanctions instrument. However, enough is now known about its destructive potential so that those who employ this weapon can no longer feign surprise at the suffering that it occasions. Indeed, having embraced this policy option, they are obliged to seek to delimit its human costs. As noted in the body of our report, because targeted regimes can be expected to take evasive actions, sanctions strategies should be designed that anticipate and, to the extent possible, mitigate civilian suffering.

The use of sanctions thus raises a host of moral and legal issues. Some have argued that although sanctions inevitably impose hardships on the people of a target nation, they are ethically justifiable only if carried out for a higher political and moral purpose such as halting aggression or preventing repression. However, cautions Lori Fisler Damrosch, they lose their justification if they cause severe social and economic hardships: for example, driving living standards below subsistence levels.<sup>35</sup> A similar caution, based on a just war perspective, is advanced by Drew Christiansen and Gerard Powers. In their view, while a certain level of civilian hardship is unavoidable, sanctions may not deprive people of the basic right to life and survival, and countries imposing sanctions have a responsibility to provide humanitarian

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assistance to affected vulnerable populations.<sup>36</sup> Approaching the issue from a pacifist perspective, Jack Patterson of the American Friends Service Committee argues that to be morally acceptable, sanctions must stand in sharp distinction to the use of military force. Too often, he notes, sanctions are a prelude rather than an alternative to war.<sup>37</sup>

Such ethicists point out that for the responsibility of the effects of sanctions to be apportioned, the conditions of a society prior to the imposition of sanctions should serve as a baseline. The methodology elaborated in chapter 2 is designed to provide the basis for such judgments. Monitoring is useful not only to document suffering and guide humanitarian responses but also to help determine whether, if, and when these consequences become so severe that they violate stated ethical criteria and thereby deprive sanctions of moral legitimacy. The humanitarian limits of sanctions are indeed reached when their effects push vulnerable populations below subsistence levels and threaten their very survival. Sanctioners are then obligated not only to address the suffering but also to reshape or lift the sanctions, perhaps devising new means, including military coercion, to end a crisis. Options for facilitating humanitarian work in sanctions settings are elaborated in chapter 3.

Ethical issues are complicated by the fact that at present, sanctions have little or no foundation in international humanitarian or human rights law. They fall into something of a grey area where legal standards and guarantees have not yet been elaborated. Indeed, many of the acute ethical and political problems posed by sanctions might be addressed through the codification of legal standards. Such standards, argues analyst Roger Normand, could and should provide a guarantee to civilians of the basic right of survival and minimum standards of living:

...the imposition of sanctions by the Security Council, as well as by individual states, needs to be governed by an explicit legal regime, drafted by a panel of international experts and informed

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by both human rights and humanitarian law principles. Under this regime, future cases of sanctions could be assessed according to universal criteria, in contrast to the current situation in which sanctions increasingly are imposed without reference to any legal or ethical standards.<sup>38</sup>

The proposal for more formalized legal standards to provide parameters and accountability for the use of sanctions deserves support, even though legal conventions do not in and of themselves change behavior. Also of merit is formal acceptance of the principle that any sanctions regime should preserve minimum agreed humanitarian standards. In fulfilling its dual role as maintainer of international peace and security, as well as defender of human rights and humane values, the Security Council must find ways of advancing both sets of objectives simultaneously. More clearly framed, targeted, and effectively managed humanitarian exemptions (chapter 3), in the context of more systematic pre-assessment and monitoring of sanctions-related human impacts, can enhance alike the moral credibility and political effectiveness of sanctions policy.

A world in which sanctions are a double-edged instrument in a policy universe with few other serviceable tools is reminiscent of the situation faced by the U.S. Catholic Conference who, more than a decade ago, presented an ethical analysis of the challenge of the nuclear era. The bishops acknowledged moral flaws and ethical shortsightedness in American nuclear weapons policy, reflecting, in their view, the burden of history and the difficulties of devising a better world order. At the same time, they gave “strictly conditioned moral acceptance” to the temporal role of nuclear weapons in a strategy of deterrence, listing the specific criteria by which deterrence would be morally judged.<sup>39</sup>

Based on the serious consequences for civilian populations that flow from the use of nuclear weapons—or, in the present example, economic sanctions—some favor banning such arrows from the international policy quiver altogether. Rather than

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renouncing the use of sanctions for all time and in all settings, however, our informed preference is for delimiting the conditions under which they may be employed and for strengthening the accountability for their use. Indeed, the changes recommended in the following chapters, including careful preassessment and ongoing monitoring and adjustments to protect vulnerable populations, would place international policy on a more sensitive moral footing, as well as provide a clear framework by which the ethical contours of sanctions policy can be judged. As is the case for just war doctrine, decisions for sanctions are highly contextual and require analysis and weighing alternatives, rather than the automatic application of a preset formula.

### Toward More Discriminating Sanctions

Is there common ground between those who oppose sanctions because of their inhumane consequences, however humane the objectives, and those who support their use as a political tool of statecraft, irrespective of their impacts on civilians? The analysis in the ensuing chapters suggests that properly understood, humanitarian and political interests can indeed converge.

There is broad agreement that economic coercion should not be used as a blunt instrument for punishing an entire society, but rather as a more refined policy tool that exerts pressure on specific leaders and decisionmaking elites. Sanctions designed with humanitarian safeguards and properly administered stand to reap benefits in the areas of political impact as well as moral force. Conversely, political changes in which sanctions play a key role can have positive consequences for abused and deprived populations.

Policymakers and scholars alike increasingly speak of the importance of “smart” sanctions, although such measures require further study and reflection.<sup>40</sup> The design of smart sanctions should begin by singling out the groups and individuals who are responsible for wrongdoing and who are blocking reform. It should also pinpoint the needs and desires that most strongly

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motivate them and hence fashion policies that frustrate their satisfaction. Sanctioning authorities should also identify pro-reform or opposition constituencies within a targeted country with an eye toward supporting their efforts. Consultation with international personnel resident in such countries can help identify the existence and vulnerabilities of elites and opposition groups. Sanctioning authorities can then craft sanctions that apply pressure on wrongdoers and do not unduly and adversely affect vulnerable populations or weaken opposition movements. Such design features, combined with extensive monitoring of political as well as humanitarian impacts, can help in the development of targeted sanctions.<sup>41</sup>

One of the key elements of a smart sanctions policy is the use of financial sanctions rather than general trade embargoes. These include such measures as freezing foreign assets, withholding credits and loans, prohibiting investments, and restricting travel, commerce, and communications and can be used in combination with trade sanctions to add powerful leverage against a targeted regime. One of the most intriguing empirical findings from work by the Institute for International Economics study is that financial sanctions have a higher success rate (41 percent) than do the more widely imposed general trade sanctions (25 percent).<sup>42</sup>

A recent study on the determinants of success also found evidence that financial sanctions contribute to effectiveness.<sup>43</sup> The higher success rate of financial sanctions may reflect the fact that they are often applied as an added measure, subsequent to the imposition of a trade embargo, as a tightening of pressure or a “knock out” punch that convinces a targeted leadership to reevaluate its previous policies. A qualification of this finding is that they are often included with general trade embargoes rather than offered as an alternative to comprehensive measures.

Financial sanctions such as freezing assets or banning investment can cause serious difficulties for targeted countries, especially among ruling elites. More focused on the wealthy and powerful, financial sanctions apply coercive pressure on those responsible for wrongdoing rather than on vulnerable populations. Achieving

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greater political gain with less civilian pain enhances the moral credibility of the policy.

One practical political benefit of the delimited humanitarian impacts of financial measures is the reduced likelihood of a counterproductive “rally around the flag” reaction to sanctions. The ability of political leaders to evoke patriotic and nationalist sentiments can be moderated if the suffering of the general population is minimized. Financial sanctions may thus help isolate unpopular leaders and may even empower the opposition whose encouragement for external sanctions can serve as a rallying cry for domestic reform constituencies.

This was the case in South Africa, where the African National Congress, which urged sanctions, gained moral legitimacy and political momentum from the international solidarity expressed by economic coercion. When credible civil society organizations within the target country support international sanctions, the moral legitimacy and likely political effectiveness of those measures are enhanced. In its 1993 study, *Dollars or Bombs*, the American Friends Service Committee argued that sanctions are morally justified when there is “significant support for sanctions within the target country among people with a record of support for human rights and democracy or by the victims of injustice.”<sup>44</sup> In her review of sanctions, Lori Fisler Damrosch emphasized the importance in both the South African and Rhodesian cases of the fact that “the authentic leadership of the majority population called for the imposition, strengthening, and perpetuation of sanctions.”<sup>45</sup> The design of sanctions should take account of these realities and target coercive measures in ways that empower opposition constituencies while isolating recalcitrant elites.

Sanctions also stand to benefit from being understood in the context of carrots-and-sticks diplomacy. As noted earlier, by themselves they have limited power and usually cannot force major changes in the policies of targeted regimes. As part of a broader diplomatic effort, however, they can make a difference. Too often, as in the case of Iraq, sanctions have become a policy unto themselves, a method of applying unrelenting coercive

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pressure even in the absence of meaningful dialogue or of an overarching political strategy.

Sanctions policy becomes dysfunctional when applied as a punitive stick, unseasoned with little actual or promised carrots. Effective diplomacy, as Alexander George has emphasized, requires a mix of both carrots and sticks. Success is most likely when external actors offer inducements for cooperating as well as punishments for resisting. What a stick cannot achieve by itself might be accomplished by combining it with a carrot.<sup>46</sup>

A new study on the use of incentives by the Carnegie Commission on Preventing Deadly Conflict examines recent cases where inducement strategies have successfully diffused international crises, often in combination with sticks.<sup>47</sup> The effective use of sanctions as a tool of diplomacy requires that gestures toward compliance be acknowledged and even reciprocated. Cooperation theory teaches that a quid pro quo response to conciliation is likely to generate additional steps toward compliance. In the case of sanctions, easing pressure in response to partial steps toward compliance by a target regime may generate additional gestures of cooperation and facilitate a diplomatic settlement.

The contrasting experience of UN sanctions against Yugoslavia and Iraq are instructive in this regard. As noted earlier, some observers credit sanctions with having encouraged the Milosevic regime in Belgrade, and its Serbian counterparts in Bosnia, to moderate warlike policies and pursue negotiations. When Belgrade announced in August 1994 its decision to sever political and economic relations with Bosnian Serbs, inviting UN monitors to verify this action, the Security Council responded quickly. In September, the council lifted some of the sanctions imposed against Serbia and Montenegro, suspending the ban on sports exchanges, scientific and technical cooperation, and cultural exchanges. The council also extended the previous sanctions to the territories of Bosnia under the control of the Bosnian Serbs. Although sanctions hard-liners among member states criticized these actions at that time, the council sent a message to the Milosevic regime acknowledging its actions and conveying that

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further compliance with UN resolutions would result in additional easing of coercion.

By contrast, Baghdad received no relief in spite of having accepted UN weapons inspectors and recognized the redrawn borders with Kuwait. If these concessions had met with an easing of sanctions, Baghdad could have responded in kind. It is intriguing at least to think through counterfactual perspectives regarding both the timing and subsequent use of the “oil for food” program.<sup>48</sup> Baghdad has always sought a quick and total end to oil sanctions and long resisted this program as an affront to its sovereignty because the funds from sales do not pass through the Iraqi government, but rather through a UN escrow account to ensure that the proceeds actually go where they are supposed to—one-third to compensate Kuwait and pay UN administrative expenses, and two-thirds for relief of civilians in need including Kurds.

Security Council deliberations in December 1997 about the renewal of the plan began to reflect the notion of carrots in conjunction with the sanctions stick. Although the council unanimously renewed the plan, it temporarily postponed a decision about an increase in the ceiling for every six months. The Security Council’s decision conveys a willingness to consider a Russian and French proposal to double the size of the financial incentive. The relaxation of sanctions might constitute an incentive to, as well as a recognition of, Iraqi government compliance with the demand for unfettered access by weapons inspectors. Additional levels of resources for expenditure on relief operations could also ease the severe hardships experienced by Iraqi civilians.

Direct trade-offs between political gain and civilian pain have been the prevailing orthodoxy among sanctions proponents, who have held that sanctions will accomplish their policy objectives precisely to the extent that they occasion suffering. Humane sanctions necessarily will be ineffective, the theory has held, while effective sanctions cannot avoid being inhumane. In fact, reforms in sanctions, whether in a given episode or more globally, have

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been suspect because of the assumption that changes will necessarily reduce the “bite.”

This report argues instead that sanctions may be designed—indeed, must be designed, if they are to be used at all—in ways that are both politically effective and properly solicitous of vulnerable populations. Embracing legitimate and eminently humane policy objectives is not enough, in that the “collateral damage” of well-intended policies can be lethal to the human condition. Nor is it enough for sanctioners to thrust humanitarian organizations into the sanctions breach, given this demonstrated inability to staunch civilian pain.

In sum, it does not necessarily follow that more humane sanctions must be less effective or that more effective sanctions must be less humane. The challenge of reducing the adverse consequences of sanctions requires more than the mechanisms for monitoring impacts and for improving the management of humanitarian exemptions suggested below. It also requires a fundamental rethinking of ethical and political contexts, with a particular eye to establishing the humanitarian limits that should attend the use of sanctions in the future.

We were pleased that the Inter-Agency Standing Committee (IASC), at a meeting in Geneva in late November 1997, reviewed our recommendations and took steps to begin the process of implementation by humanitarian organizations. We encourage political interests to follow suit.

David Cortright, George A. Lopez,  
Larry Minear, and Thomas G. Weiss  
December 1997



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## PREFACE

This report has been prepared at the request of the United Nations Department of Humanitarian Affairs (DHA) on behalf of the UN Inter-Agency Standing Committee (IASC). The terms of reference requested us to:

- review recent UN experiences with multilateral sanctions;
- identify methodologies for assessing the humanitarian impacts of sanctions;
- assess the capacity of the UN system to monitor the impacts of sanctions and adopt measures to ameliorate adverse humanitarian consequences; and
- develop a checklist for UN officials to be used in monitoring the effects of sanctions in future episodes.

The present study constitutes one element in an ongoing review process of economic sanctions by DHA, the IASC, and individual UN agencies. Following discussions in the IASC in 1994, DHA commissioned a study by consultants Claudia von Braunmühl and Manfred Kulesa to review the impacts of sanctions on humanitarian activities and to identify strategies for minimizing negative impacts. Their report, published in December 1995, offered analytical insights but was judged not to provide the requisite practical tools, including a methodology for monitoring sanctions impacts and specific indicators evaluating those impacts in key sectors.<sup>1</sup>

A collaborative venture of five authors from three research institutions, the present study draws on the past involvement and comparative advantages of each institution in the area of economic sanctions. It builds on country studies and monographs by the Humanitarianism and War Project, a research initiative of the Watson Institute at Brown University, and on analytical work on the post-Cold War experience with economic sanctions by the Fourth Freedom Forum and the Joan B. Kroc Institute for Interna-

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tional Peace Studies at the University of Notre Dame<sup>2</sup> (See Appendix 1).

Given its terms of reference, the present study focuses narrowly on the capacity of the United Nations system to manage economic sanctions. The report's emphasis on practical recommendations in the areas of methodology and humanitarian exemptions is designed to make multilateral sanctions management more effective and more humane. Generally outside its scope are broader political issues, including fundamental questions such as the utility and appropriateness of sanctions.

In collecting data for this report, we conducted an extensive series of interviews over a period of more than a year with personnel from humanitarian organizations throughout the UN system and the nongovernmental organization (NGO) community, as well as with secretariat officials in the UN Department of Political Affairs (DPA) tasked with staffing Security Council sanctions committees. In September 1996 we conducted a round of interviews with officials from the UN, International Committee of the Red Cross (ICRC), and NGOs in New York, Geneva, Rome, and Bonn. These were followed by interviews in Geneva and Brussels in February 1997 and in New York throughout the spring of 1997. In all, approximately 125 persons were consulted, some of them on more than one occasion.

We have also had the benefit of exchanges of views at numerous meetings. On September 11, 1995 we hosted a session in New York at which some of the preliminary conclusions of the 1995 DHA study were discussed. On December 1, 1995 the research team hosted a working session in New York to review a methodology for the conduct of the study with a number of policymakers, academics, and independent researchers. On January 18, 1997 we participated in a discussion at United Nations Children's Fund (UNICEF) headquarters in New York on sanctions issues. On March 16, 1997 we presented our views at meetings of the International Studies Association in Toronto. On May 13, 1997 we convened a consultation of four experts, Vikram K. Chand, Richard Garfield, William H. Kaempfer, and Susanne

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Schmeidl, to provide input in the five areas for which we are proposing indicators. A September 9, 1997 workshop in New York hosted by DHA brought together the authors and several UN agencies to exchange views on a preliminary draft of this report. This workshop and subsequent written commentaries from several of the agencies considerably improved the final version of the report.

Of particular utility was an informal meeting of representatives of member governments of the UN Security Council convened by Chilean Ambassador Juan Somavia on June 20, 1997. The session provided an opportunity to share our preliminary conclusions with governments, who responded with their own concerns and recommendations. These exchanges of views have enriched the substance and approach of the present study.

Chapter 1 of our report sets the analytical context and provides an overview of the current capacity of the UN system to preassess and monitor sanctions' impacts. Chapters 2 and 3 offer an analysis of two key areas in which the system particularly needs strengthening: developing a methodology and indicators for sanctions management; and framing and managing humanitarian exemptions.

The text draws heavily on interviews and consultations conducted for this study. Since those interviewed were promised confidentiality, citations of individual interlocutors and the dates and locations of interviews have not been included. Where quotations or other references are drawn from already published material, citations appear in standard form.

This study has been carried out against the backdrop of discussions on reforming the UN's humanitarian apparatus in general and DHA in particular.<sup>3</sup> Although the current responsibilities of DHA in the area of sanctions figure prominently in our report, these have not loomed large in the debate over UN reform. With future organizational decisions remaining unclear as of this writing, our report seeks to identify key functions that need to be performed, leaving structural and institutional options to be sorted out in due course.

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Readers will note that we speak throughout of sanctions “episodes” and “arrangements” rather than of “regimes.” The choice of terminology reflects our view that at present UN sanctions often lack the essential characteristics of a “regime” as widely accepted in the social sciences: that is, “principles, norms, rules, and decisionmaking procedures around which actor expectations converge in a given issue-area.”<sup>4</sup> In fact, our central recommendation is that in order to be both more effective and more humane, the use and management of sanctions need to acquire such characteristics.

Despite the benefit of close and continuous consultation with the United Nations system, both its humanitarian and its political components, this paper is not a UN report. It is an independent study for which its authors take full responsibility. We are grateful to UN organizations that have made special financial contributions toward the costs of this study: DHA, the Food and Agriculture Organization (FAO), United Nations Development Programme (UNDP), United Nations Children’s Fund (UNICEF), and the World Food Programme (WFP). Grants from the United States Institute of Peace and the John D. and Catherine T. MacArthur Foundation are also gratefully acknowledged. The three research organizations drew as well on resources from their ongoing budgets to finance this undertaking. The production of this report received special assistance from Margareta Levitsky at the Watson Institute and from Jennifer Glick and David Willems at the Fourth Freedom Forum.

The report is one of several elements in a broader review of economic sanctions by the three collaborating institutions. Another is the volume, *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions*.<sup>5</sup> Following a foreword by Lakhdar Brahimi, UN under-secretary-general for the Secretary-General’s Preventive and Peacemaking Efforts, the volume contains a methodological and policy discussion informed by detailed cases of humanitarian impacts in four recent multilateral sanctions episodes: South Africa, Iraq, the former Yugoslavia, and Haiti, as well as an extensive bibliography of sanctions literature.

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Another element is the policy paper, *The Humanitarian Impacts of Economic Sanctions on Burundi*. Based on research in early 1997 by two Canadian physicians, Eric Hoskins and Samantha Nutt, this case study offers the first detailed review of the impacts of the sanctions imposed in August 1996 by the governments of Burundi's neighbors in an effort to reinstate democratic processes after the July 1996 military coup.<sup>6</sup>

The research team is also producing a second policy paper available in early 1998 that reprints in its entirety this UN report and also addresses various political questions not part of the terms of reference of this study.

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October 6, 1997



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## LIST OF ACRONYMS

CAP	Consolidated Appeal Process
DHA	Department of Humanitarian Affairs
DPA	Department of Political Affairs
FAO	Food and Agriculture Organization
FIVIMS	Food Insecurity and Vulnerability Information Mapping System (FAO)
GDP	Gross Domestic Product
GIEWS	Global Information and Early Warning System
HEWS	Humanitarian Early Warning System
IASC	Inter-Agency Standing Committee
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
ILO	International Labour Organisation
IMF	International Monetary Fund
NGO	Nongovernmental Organization
OAS	Organization of American States
OAU	Organization of African Unity
OSCE	Organization for Security and Cooperation in Europe
PAHO	Pan-American Health Organization
PermFive	Permanent Five Members of the Security Council
RSCC	Regional Sanctions Coordinating Committee
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNITA	National Union for the Total Independence of Angola
UNPROFOR	United Nations Protection Force in the Former Yugoslavia

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UNSC	United Nations Security Council
UNV	United Nations Volunteers
USAID	United States Agency for International Development
VAM	Vulnerability Analysis and Mapping (WFP)
WFP	World Food Programme
WHO	World Health Organization

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## CHAPTER 1 THE CURRENT CONTEXT

### Recent Developments

The increased use of multilateral economic sanctions in recent years has raised troubling questions about their negative humanitarian impacts. A listing of recent multilateral sanctions episodes authorized or approved by the UN Security Council is provided in table 1. As a result, there is widespread consensus that the operation of current sanctions arrangements requires review and revision.

In his 1995 *Supplement to an Agenda for Peace* report, former Secretary-General Boutros Boutros-Ghali expressed concern that sanctions are a “blunt instrument” that may inflict severe hardships on civilian populations and questioned “whether suffering inflicted on vulnerable groups in the target country is a legitimate means of exerting pressure on political leaders.”<sup>1</sup> The International Federation of Red Cross and Red Crescent Societies (IFRC) has voiced similar concerns, urging that efforts be made to focus “the political and economic impact of sanctions on those in power” rather than on vulnerable civilians.<sup>2</sup> As noted, a major DHA study has called attention to the adverse social impacts of sanctions and recommended a series of steps to improve sanctions monitoring and assure humanitarian assistance for vulnerable populations in target countries.<sup>3</sup> Most recently UNICEF commissioned a study to examine the impacts of sanctions on children and develop a framework for measuring and mitigating these effects.<sup>4</sup>

This report builds upon these earlier analyses to develop a methodology for UN agencies to preassess and monitor more precisely the humanitarian impacts of sanctions. It proposes a mechanism for assessing the potential humanitarian impacts of sanctions *before* they are imposed and for monitoring these impacts *after* sanctions are implemented (tables 2 and 3). The report reviews how sanctions are imposed and managed (figure 2) and offers recommendations for improving the humanitarian exemp-

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tion process (chapter 3). It recommends the development of a set of principles for assuring more effective and humane sanctions policies in the future. Taken together, these recommendations aim to reduce the current uneven and ad hoc nature of multilateral sanctions and enhance the characteristics required for a “regime.”

The timeliness of this report is confirmed by other recent events. The PermFive ambassadors recently conveyed their view that “while recognizing the need to maintain the effectiveness of sanctions imposed in accordance with the Charter, further collective actions in the Security Council within the context of any future sanctions regime should be directed to minimize unintended adverse side-effects of sanctions on the most vulnerable segments of targeted countries.”<sup>5</sup> The Subgroup on the Question of United Nations Imposed Sanctions of the Informal Open Ended Working Group of the General Assembly on An Agenda for Peace has provisionally agreed that “further improvements in the working methods of sanctions committees that promote transparency, fairness and effectiveness and help the committees to speed up their deliberations are necessary.”<sup>6</sup> Individual governments have made proposals for addressing some of the problems identified. One initiative tabled by the Russian Federation in January 1997 suggested six basic criteria and conditions to guide the Security Council in an effort to establish “the concept of ‘humanitarian limits’” and restrain the “sanctions syndrome” that has characterized its recent actions.<sup>7</sup>

Such statements may be harbingers of change, but they are no substitute for concrete institutional and operational reform. While certain improvements have been made in the Security Council’s management of sanctions, many humanitarian organizations believe greater clarity, consistency, transparency, and accountability are still necessary. The methodology and reforms recommended in this report are intended to help the UN system manage sanctions in a more effective and humane fashion.

Table 1: Survey of UN Security Council Sanctions (in order of imposition)

Target Country	Relevant Resolutions (Date-Month-Year)	Sanctions Actions	Duration
Southern Rhodesia	217 (20-11-1965)	Arms and oil embargo	1965–1979
	232 (16-12-1966)	Calls for member states to suspend economic relations	
	253 (29-5-1968)	Sanctions Committee formed	
	460 (21-12-1979)	Sanctions lifted	
South Africa	418 (4-11-1977)	Arms embargo	1977–1994
	421 (9-12-1977)	Sanctions Committee formed	
	919 (25-5-1994)	Sanctions lifted	
Iraq/Kuwait	661 (6-8-1990)	Comprehensive trade sanctions; Sanctions Committee formed	1990–present (Kuwait until April 1991)
	670 (25-9-1990)	Air embargo	

Table 1: Survey of UN Security Council Sanctions (in order of imposition—cont'd)

	687 (3-4-1991)	Cease-fire resolution; full trade embargo remains pending Iraqi fulfillment of established conditions	
	712 (19-9-1991)	Initial authorization of oil-for-food arrangements	
Iraq (only)	986 (14-4-1995)	Subsequent authorization of oil-for-food arrangements	
Former Yugoslavia	713 (25-9-1991)	Arms embargo	1991–1996
	724 (15-12-1991)	Sanctions Committee formed	
	757 (30-5-1992)	Comprehensive trade sanctions, flight ban, cultural/sport boycott on Serbia & Montenegro	
	820 (17-4-1993)	Sanctions strengthened	
	942 (23-9-1994)	Sanctions imposed against Bosnian Serbs	
	943 (23-9-1994)	Some sanctions against Serbia & Montenegro eased	
	1022 (22-11-1995)	Indefinite suspension of sanctions following Dayton peace accord	

Table 1: Survey of UN Security Council Sanctions (in order of imposition—cont'd)

	1074 (1-10-1996)	Termination of sanctions against Serbia & Montenegro and Bosnian Serbs	
Somalia	733 (23-1-1992)	Arms embargo	1992–present
	751 (24-4-1992)	Sanctions Committee formed	
Libya	748 (31-3-1992)	Arms and air embargoes; diplomatic sanctions; Sanctions Committee formed	1992–present
	883 (11-11-1993)	Libyan government funds frozen; ban on oil equipment	
Liberia	788 (19-11-1992)	Arms embargo	1992–present
Haiti	841 (16-6-1993)	Oil and arms embargo; foreign assets frozen; Sanctions Committee formed	1993–1994
	861 (27-8-1993)	Suspension of oil and arms embargo following signing of Governors Island agreement	

Table 1: Survey of UN Security Council Sanctions (in order of imposition—cont'd)

	873 (13-10-1993)	Oil and arms embargo reinstated	
	917 (6-5-1994)	Sanctions expanded to trade and financial assets	
	944 (29-9-1994)	Sanctions lifted effective 16-10-94	
Angola	864 (15-9-1993)	Arms and oil embargo against UNITA; Sanctions Committee formed	1993–present
Rwanda	918 (17-5-1994)	Arms embargo; Sanctions Committee formed	1994–present
	1011 (16-8-1995)	Sanctions lifted 1-9-96 for Rwandan government; still in effect for nongovernment forces	
Sudan	1054 (26-4-1996)	Diplomatic sanctions	1996–present
	1070 (16-8-1996)	Conditional imposition of air embargo effective in 90 days; deferred pending further examination of sanctions effects	

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*The Pain-Gain Debate*

Conventional sanctions theory holds that political change is directly proportional to economic hardship. The greater the damage caused by sanctions, the theory holds, the higher the probability of attaining the stated political objectives. This understanding fails to account for the complex and often contradictory ways in which sanctions affect the internal political dynamics of a targeted society. In many episodes, there is no direct mechanism by which hardship is translated into political change. Moreover, the humanitarian and political impacts of sanctions vary according to the type of measure imposed. Limited and targeted measures generally have less severe humanitarian impacts than comprehensive trade sanctions (See Figure 1). Sanctions sometimes generate a “rally-around-the-flag effect” by which political leaders evoke patriotic sentiments to enhance their power and counteract or minimize the impacts of sanctions. The leaders of a targeted regime may also redirect the pain of sanctions onto specific population groups while profiting personally from black marketeering and smuggling activities.

On a more positive note, economic sanctions can generate internal opposition that empowers pro-reform political groupings, rendering more effective their opposition to the objectionable policies and increasing the likelihood of political change. As a report of the U.S. General Accounting Office has observed, “if the targeted country has a domestic opposition to the policies of the government in power, sanctions can strengthen this opposition and improve the likelihood of a positive political response to the sanctions.”<sup>8</sup> Such was the case with the UN sanctions imposed against the apartheid regime in South Africa. The prospects for buttressing such an internal opposition depend substantially on the state of civil society and the degree of support for sanctions within the target nation. When credible domestic civil organizations and human rights movements support international sanctions, the moral legitimacy and likely political effectiveness of those measures is enhanced.

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Figure 1: Inventory of Sanctions Options

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- Communication
    - telephone, postal, cable link restrictions
  - Cultural and/or sports
    - restrictions on educational, athletic, and/or tourist travel
  - Diplomatic
    - diplomatic and political isolation, visa revocation, withdrawal of diplomatic personnel and consular offices, withdrawal of international organizations from target country
  - Development
    - assistance programs/funding canceled
  - Financial
    - freeze of target government/elite assets, restriction of grants, subsidies, bank loans, capital investment flows
  - Military
    - arms/weapons embargoes, cancellation of all forms of military assistance
  - Trade
    - export/import restrictions
  - Transportation
    - flight bans; water, port restrictions; overland restrictions
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As the UN system and governments rethink the theory and practice of sanctions, many humanitarian organizations are likewise reflecting on recent experience. Their involvement in Iraq, former Yugoslavia, and Haiti has been traumatic, lending urgency to their reflections. Many organizations —particularly within the United Nations and also the ICRC—have no choice but to remain involved. They are mandated to perform their humanitarian tasks wherever there is need, and they themselves wish to do so. Even NGOs, which are more able to distance themselves from a particular crisis, are keen to be players in major international emergencies. At the same time, however, the difficulties of providing humanitarian assistance in countries against which sanctions have been levied are daunting. Thus, the time is ripe and the ground well-prepared for a review of economic sanctions, with a particular eye to their implications for humanitarian practitioners.

### **Preassessment**

In light of the wide-ranging humanitarian effects of economic sanctions, the Security Council has been urged from many quarters to review the likely impacts of sanctions before imposing them. The 1996 Copenhagen Round Table on Yugoslavia concluded that “prior to the implementation of mandatory economic measures, consultations between the sanctions committee and humanitarian organizations could contribute to arrangements that could ameliorate the humanitarian situation of the civilian population in the target country.”<sup>9</sup> The Round Table was sponsored by the Organization for Security and Cooperation in Europe (OSCE), and represents the most thorough review by governments and intergovernmental organizations of a recent sanctions experience.

The Security Council should have at its disposal as much information as possible on likely humanitarian impacts. The availability of such information would enable the council to target sanctions in a manner best calculated to achieve the desired political objectives without causing adverse humanitarian consequences. A number of humanitarian and political factors work

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against attempts at preassessment. On the humanitarian side, the constraints are largely technical and methodological: whether the data exists on which preassessments may be based, how such data should be compiled and analyzed, and whether the likely impacts can be foreseen given the unpredictable and elusive behavior of reprobate regimes. There are also questions about whether humanitarian institutions themselves are in a position to provide the necessary information in a timely and objective fashion and whether doing so might undermine their perceived impartiality and neutrality.

UN organizations already possess considerable economic and social information about member states, including those for whom sanctions are contemplated. They routinely compile and update information: the Food and Agriculture Organization (FAO) regarding crop yields and nutrition, the International Labour Organisation (ILO) in employment, UNICEF for women and children, the World Health Organization (WHO) for the health sector, and so on. The conclusion of the earlier DHA study on sanctions that more information is currently available to the Security Council than it now takes into account suggests that problems may lie less in the availability of data than in its utilization by policymakers.

While it is true that the response of target regimes to sanctions cannot be predicted with any certainty, recent experience suggests that certain patterns recur, including budgetary shifts of government resource allocations, efforts to find alternate sources of embargoed items, and the scapegoating of the international community for real and imagined difficulties. Refugee and displaced populations within targeted states and minority groups may suffer accordingly. Such responses should be anticipated and counteracted by those involved in international contingency planning.

On the political side, member governments of the Security Council may be reluctant to constrain their freedom of action by taking the time necessary for preassessment, particularly if it involves commissioning studies which might delay action or, once

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completed, might increase pressure to build into sanctions certain humanitarian safeguards. Those who prefer to see the council's ability for swift action unfettered point to the Iraq episode: the government's invasion of Kuwait on August 2, 1990 was followed by imposition of sanctions on August 6. Delaying action inevitably provides the targeted authorities with time to take evasive action.

Yet recent experience also demonstrates that sanctions stand a better chance of accomplishing their political purposes when the council is understood to have given serious thought to minimizing civilian suffering. While a good-faith effort to anticipate the impacts of sanctions may run against the grain of the prevailing secrecy with which it operates, increased transparency would enhance the credibility of both the Security Council and its sanctions policies. Moving with greater deliberation may also have political as well as humanitarian payoffs.

### **The Sudan Study**

A recent experience is instructive in evaluating the utility of preassessment information. On August 16, 1996 the Security Council in Resolution 1070 voted to impose sanctions on Sudanese aircraft in ninety days if the Khartoum authorities failed to extradite persons suspected of attempting to assassinate Egypt's President Hosni Mubarak in 1995. The Security Council postponed implementation of the flight ban to give Sudan additional time to end its support of terrorist organizations and respond to the UN's extradition request. The council had requested DHA as early as July 1996 "to provide information on the potential humanitarian impact of the flight ban."<sup>10</sup> After a December 1996 DHA briefing on the views of UN organizations at which the council requested additional information, DHA dispatched an expert to the region. The Secretary-General transmitted the expert's report to the council on February 20, 1997.

The report concluded that a flight ban would have uneven impacts on humanitarian interests. Most seriously affected would be the health sector: the lack of domestic air transport would

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impair the delivery of temperature-sensitive drugs and vaccines. Also affected would be the movement of agricultural inputs and humanitarian personnel into and around the country. The government might also follow through on its threat to close down “the whole humanitarian effort,” including Operation Lifeline Sudan, in retaliation for such a flight ban.<sup>11</sup> At the same time, the DHA report softened earlier government and agency projections of impact. It concluded, for example, that some 5,000 persons who travel each year by air for medical treatment outside the country would be affected, not the larger number claimed by the Sudan government. Agency comments predicting “famine” as a result of the sanctions also proved overstated: only 1.5 percent of UN food aid actually moved by domestic air transport.

As of September, 1997 the council has not imposed the threatened flight ban on Sudan. Should the council decide to do so, the DHA report has laid the groundwork for crafting eventual sanctions measures to mitigate adverse humanitarian consequences. Specific exemptions might ensure the continued delivery by air of temperature-sensitive pharmaceuticals; special provisions might enable UNICEF and other affected agencies to proceed with their activities largely uninterrupted. Such actions could be taken without detracting from efforts to pressure the Khartoum authorities to address international concerns about terrorism.

The DHA mission both highlighted the utility of firsthand assessment of potential sanctions impacts and raised the broader question of how the integrity of fact-finding missions in highly politicized circumstances might be protected. In this instance, the expert’s report received widespread praise, with four governments of the council seeing an important precedent. But it won praise, in part, because it presented only data, stopping short of taking a position for or against the proposed sanctions. In a situation where the anticipated impacts of proposed sanctions were more severe, DHA might well be expected to offer more specific recommendations, even at the risk of undermining the reception of its findings.

The council’s request for a preassessment study reflected deep divisions among member governments regarding the advisability

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of sanctions in general and against Sudan in particular. The request for the study itself represented a compromise between council members who favored and those who opposed such sanctions. It also reflected a growing council openness to hear directly from outside experts about the impacts of its actions on humanitarian interests.

### *Existing Preassessment and Monitoring Capabilities*

A number of UN officials have called for increased monitoring in sanctioned countries both before and during sanctions episodes. This will require UN agencies to gather original data and cross-check existing information. A number of mechanisms are already in place within the UN system and its various agencies which, taken together, could constitute an effective information system for anticipating and tracking sanctions impacts. This report suggests that these be reviewed and consolidated in order to comprise a basic toolkit for sanctions preassessment and monitoring.

Several UN agencies have established early warning systems, managed under specified ground rules by trained personnel. Although valuable methodologies and information exist throughout the system, the UN itself lacks a centralized data-gathering network. It may be useful to have a small group, available for activation when sanctions have been imposed, that can gather existing data from the various agencies for a central "Sanctions Preassessment and Monitoring Unit." Such a group could build on the most successful monitoring efforts currently operating within the UN. It could also draw upon a pool of experienced consultants and outside experts. Outlined below is a brief overview of programs in place in DHA, WHO, FAO, and the World Food Programme (WFP) that are most suited to adaptation for sanctions situations.

DHA has implemented a Humanitarian Early Warning System (HEWS) that includes a database for UN agency-wide information relevant to complex emergencies. This system, begun in early 1995, reflects the desire to become more proactive in responding

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to an ever increasing number of complex emergencies worldwide. The purpose of HEWS is to function as an information resource for DHA, the UN secretariat, and various UN agencies.

HEWS has approached other UN agencies to determine what early warning systems are already in place. Information from these systems is incorporated into the HEWS database, thus avoiding the necessity of additional data collection. HEWS also looks to groups like the UN Centre for Human Rights, Amnesty International, and Human Rights Watch to augment its sources. Initially HEWS chose 20 high-risk countries and examined variables such as at-risk populations, the portion of funds spent on the military, the portion of the population working on military-related projects, and whether the nation is in the least-developed-country category. After developing software tools, HEWS brought the collected information together into one database. Each of the countries in the database is examined on a six-week cycle, and the most vulnerable countries are monitored for changes in their status.

WHO already collects extensive data in the health sector, both to monitor its Health for All initiative and to track specific diseases. To complement existing data, WHO is joining with The Centers for Disease Control and Prevention in the United States to launch a High Intelligence Network for Advance Contingency Planning (HINAP). Designed to improve planning for health emergencies before they materialize, the initiative will utilize indicators derived from consultations with other health organizations around the world. HINAP promises to be useful as both a baseline indicator for preassessment and a change indicator for assessing the impact of sanctions.<sup>12</sup>

The FAO operates a Global Information and Early Warning System (GIEWS) that attempts to monitor and disseminate information on disasters, whether natural or human-caused. Reflecting FAO's strengths and mandate in the estimation of crop yields, GIEWS provides statistical information on national and world agricultural production. GIEWS has also developed guidelines for use during assessment missions, since local data gathering is often disrupted during emergencies.<sup>13</sup> According to a GIEWS official,

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FAO does not rely entirely on government estimates or clear its data and findings with them. Rather, officials go on location and attempt their own estimates.

FAO is also coordinating the development of a Food Insecurity and Vulnerability Information and Mapping System (FIVIMS). An outgrowth of the November 1996 World Food Summit in Rome, FIVIMS is intended to monitor developments at the country level, using common indicators to enable cross-country comparisons to assess hunger and food insecurity. FAO stresses that each national FIVIMS will be unique, drawing on the individual nation's existing sources of information. Depending on the information released to international organizations, this resource could provide both baseline and change indicators for a sanctions assessment methodology.<sup>14</sup>

WFP has developed a Vulnerability Analysis and Mapping (VAM) program as a preassessment tool focusing primarily on natural disasters. It seeks to assemble indicators and a database on household vulnerability. Ethiopia, Malawi, Zambia, and Tanzania are currently being mapped with the hope that more countries will be included in the future.

These existing programs form a solid foundation upon which a sanctions preassessment and monitoring system can and should be built across a variety of key sectors. For example, there is no reason why the VAM mapping technique could not be extended to conflict or sanctions situations. Additional data-collecting mechanisms need to be established. WFP could provide the nucleus for such an operation, with staff support from NGO or other UN agency operations. Similarly, HEWS is a worthwhile program that may help to fill information gaps and that could consolidate and analyze existing agency data to fit specific needs.

The Secretary-General's recent report outlining his proposal for UN reform noted that "the United Nations is significantly increasing its capacity to predict potential disasters through...sector-specific early warning systems" in such institutions as WFP, HEWS, UNICEF, FAO, and ReliefWeb. "These systems," the SG concluded, "must be strengthened and made mutually compatible

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and inter-operable, so that systematic monitoring of political, economic, social, human rights and environmental indicators can, singly or together, give warning of a potential humanitarian crisis.”<sup>15</sup>

The Sanctions Preassessment and Monitoring Unit proposed in this report might incorporate one or more of these existing programs. It could also draw upon the knowledge and experience of NGOs and independent experts. Such a unit would address the need for more interagency assessment and sharing of information. If DHA or its successor agency is to play a central coordinating role and serve as a liaison to other secretariat units on behalf of the agencies, it would be the logical home for such a preassessment and monitoring unit.

### **Operating in Sanctions Environments: Challenges to Humanitarian Organizations**

Functioning effectively in sanctions environments calls for higher levels of professionalism by humanitarian organizations than are required even in other complex emergencies. Strategies must be found for reaching vulnerable populations with urgently needed assistance without either strengthening the regime or becoming its target. Relations must also be nurtured with the UN Security Council sanctions committees and/or regional sanctioning authorities. To date, few organizations have formulated policies to guide personnel functioning in sanctions settings. “We don’t have policy,” commented one NGO executive. “We only have procedures.” Some agencies even lack special procedures to guide staff in such circumstances.

One of the first repercussions of sanctions is often an increase in the need for humanitarian activities. In Iraq, sanctions were associated with the fall of annual per capita income from well above to well below the international poverty line. In the Federal Republic of Yugoslavia, they “increased the needs of the population while at the same time limiting the provision of health and human services that relied on imported products.”<sup>16</sup> In Haiti,

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sanctions deepened the suffering linked to repressive military rule and the impoverishment preceding it.

In addition to increasing the scale of human need, sanctions affect the terms of engagement of humanitarian organizations with civilian populations. “The imposition and lifting of sanctions,” a UN aid official has observed, “may have a significant impact on the ability of UNHCR and its partners to gain access to refugees in order to provide international protection or to facilitate voluntary repatriation. Moreover, sanctions may fundamentally affect the attitude of, and action by, host countries in respect of refugees.”<sup>17</sup> The observation is equally true of impacts on actors from other agencies.

Sanctions often shift the burden of meeting need to international aid groups. In Haiti, for example, the Pan-American Health Organization (PAHO) was pressed into service to manage the fuel program set up when commercial oil imports were embargoed. Other aid agencies in essence assumed the responsibilities normally carried out by government ministries. In Iraq, the government looked to aid agencies to meet the needs of vulnerable groups. “It is often difficult to ascertain,” one study has observed, “whether there actually does exist a situation of sheer need brought about by sanctions and sanctions regime management or whether one is faced with an allocation decision on the part of government shrewdly using sanctions to cover up its real priorities.”<sup>18</sup>

Outside assistance becomes much more indispensable as governments rearrange spending priorities, often resulting in the deployment of fewer resources toward human needs. Yet the scale of need frequently outruns available resources. Commenting on his experience in Iraq, one IFRC official noted that “The magnitude of the impact of sanctions is so large that any and all relief programs are dwarfed by comparison.” The 1995 DHA sanctions study likewise concluded that “extensive experience in recent sanctions cases has shown [that] humanitarian assistance cannot be expected to meet all the basic needs of vulnerable groups and of the population at large.”<sup>19</sup> The likelihood that sanctions will create hardships beyond the capacity of aid groups to cushion

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should be acknowledged from the start of international deliberation about their use.

The difficulties of aid agencies in mitigating the effects of sanctions on vulnerable populations are further increased by two factors. The first is the requirement that the relief materiel that enters a sanctioned country have the implicit or explicit consent of a UN Security Council sanctions committee.<sup>20</sup> The second constraint reflects the atmosphere of increased lawlessness and defiance of international decisions by sanctioned countries. Such reactions confront aid groups with increased possibilities of abuse of their resources and, conversely, increased expectations by donors regarding monitoring against such abuse.

The association of UN humanitarian institutions with economic sanctions may create a certain tension within those institutions. Aid efforts linked with sanctions, a quintessentially political act, themselves become politically charged. "Trying to implement a humanitarian program in a sanctions environment represents a fundamental contradiction," concluded the Belgrade chief of mission for the United Nations High Commissioner for Refugees (UNHCR) in late 1993.<sup>21</sup> Elaborating on the experience in the former Yugoslavia at an IASC meeting on February 16, 1995, a UNHCR official observed that "attempting to humanize the effects of sanctions drew [UNHCR] out of the arena of purely humanitarian action and into the arena of political debate and mistrust, thus severely compromising its ability to provide impartial and neutral assistance and protection."<sup>22</sup>

Such difficulties also extend to the UN's nongovernmental partners, to the ICRC, and even to NGOs without UN affiliation. The fact that only governments and intergovernmental organizations have standing to approach the sanctions committees directly for exemptions injects a further political dimension. The approaches themselves draw such agencies into the political sphere, while NGOs, which in the absence of direct access must approach the committees through member states, find their nonpolitical nature eroded.<sup>23</sup> The absence of direct access to UN decision makers also poses particular problems for smaller NGOs without links to such intermediaries and with limited liaison staff.

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While those who impose or manage sanctions sometimes give the impression that aid groups are not “team players,” the Yugoslav experience indicated that violations came mostly from commercial rather than humanitarian interests. Some commentators have also seen an invidious double standard in the committees’ short leash on humanitarian organizations while at the same time allowing blatant commercial violations by member states to go unchallenged.<sup>24</sup> The United Nations Protection Force in the Former Yugoslavia’s (UNPROFOR) blanket exemptions also irritated UN humanitarian personnel, whose every imported item was subject to scrutiny.

Strategic and operational choices faced by aid organizations in sanctions settings exacerbate perennial problems of coordination. In Haiti, for example, the UNDP resident representative issued a circular in early 1994 reducing UN working hours to avoid conveying the perception of support for the de facto authorities. At the same time, UNICEF staff were anxious to work overtime given the increased needs experienced by women and children.<sup>25</sup>

In Haiti as elsewhere, the imposition of sanctions raised fundamental questions about what constitutes humanitarian assistance. Emergency food and medicine generally qualify *prima facie*, but determining what specific nutrition and health items should be included was problematic. Beyond these are other difficult judgment calls involving such items as shelter materials, educational materials, family planning devices, seeds and tools for food production, and so on.<sup>26</sup> A third circle, wider still, is comprised of elements needed for effective aid programs, including office supplies, communications and transport items, and training. In the face of differing definitions, even among humanitarian organizations themselves, a working understanding needs to be established of minimum humanitarian requirements in such circumstances.<sup>27</sup> The claims of civilian populations, who do not lose their recognized international legal rights to food, health, education, and development simply because sanctions have been imposed, make an inclusive definition appropriate. Yet political realities suggest, as noted elsewhere in this report, the unrealism of expecting

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the full panoply of aid activities to be mounted in sanctions settings.

While sanctions settings provoke disagreement about what comprises humanitarian aid, they may also force greater joint strategizing and produce improved programming. Despite widely divergent approaches to their dealings with the Haitian military regime, aid institutions managed to deploy limited resources in concerted fashion to address the needs of the most vulnerable populations. In fact, the UN system in that instance may even have functioned better under the duress of sanctions than otherwise.<sup>28</sup>

In short, operating in a sanctions environment involves special challenges for humanitarian organizations and those on the political side of the UN who establish and manage the framework within which such agencies function. Aid practitioners are confronted simultaneously by escalating needs, more highly charged relationships with host authorities, increased administrative and program costs, and heightened expectations on the part of donor governments and sanctioning authorities.

Yet humanitarian activities do not need to become a seamless extension of sanctions and convey a punitive animus. The corrosive effects of politicization may be delimited by the development and application of objective indicators (chapter 2) and by a more businesslike approach to humanitarian exemptions (chapter 3). Reaffirmation by those who impose and manage sanctions of the importance and validity of humanitarian action could reenergize the aid enterprise and lend greater integrity to sanctions imposition. At the same time, humanitarian action has its own logic, and its obstruction should not serve as a component of coercive action.

Humanitarian activities amidst sanctions may call for particular discipline on the part of aid organizations and officials. Agencies that would instinctively seek to maximize the scale and scope of their activities may, given the political circumstances, need to content themselves with narrower program offerings. Organizations also need to be prepared to coordinate their work fully lest their efforts be whipsawed by the authorities targeted by sanctions. Officials who hold particularly strong opinions about

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sanctions will need to divorce these opinions from the performance of their duties.

Humanitarian organizations individually and through the IASC and their professional associations should review recent experiences with humanitarian activities in sanctions settings. The purpose should be to identify key lessons as a prelude to instituting the requisite changes in policy, procedures, training, and accountability. Particular priority should be given to identifying expertise within individual organizations which might be pressed into service when sanctions are again contemplated or implemented. Agency roles should be clarified and, where appropriate, agencies should be encouraged in advocating for greater attention to civilian needs and, on occasion, for revisions in sanctions policies themselves.

### **Recommendations**

- The Security Council and humanitarian organizations should anticipate and, whenever and wherever possible, take action to ameliorate the likely negative humanitarian impacts of sanctions. The recent preassessment of the impacts of sanctions before their imposition on the Sudan should be replicated for other cases.
- The IASC should design a mechanism to take full advantage of existing early warning and data-gathering capacities to help preassess and monitor the humanitarian impacts of sanctions. This interagency mechanism should identify a pool of well qualified and tested expert consultants and should draw upon this outside expertise as needed.



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CHAPTER 2  
METHODOLOGY AND INDICATORS FOR PREASSESSING AND  
MONITORING SANCTIONS IMPACTS

**Methodological Issues**

Few attempts have been made to document carefully and analyze thoroughly the humanitarian impacts of sanctions. Neither an analytical framework nor a social science methodology exists to guide such undertakings, which would necessarily span several academic disciplines. The few available reports, most undertaken since 1993 and commissioned by international agencies, focus on a single country and sanctions episode and attempt to document the effects of sanctions on the most vulnerable sectors of a given population. While such studies are sometimes credible attempts to piece together diverse, if not divergent, information, they pertain to situations in which independent and unbiased information-gathering is neither a priority nor a practice. Asserting the purported connection between civilian pain and political gain thus becomes problematic, due both to the poor quality of data and the lack of clarity about how much extrapolation or inference is appropriate.<sup>1</sup> Like humanitarian activities in sanctions environments, research on sanctions has often become caught up in prevailing political controversies.<sup>2</sup>

One of the most difficult methodological challenges is disaggregating the effects of sanctions from other causes of social hardship such as war, repression, mass migration, and economic impoverishment. In the tumultuous conditions that often prevail in targeted countries, the imposition of sanctions may be only one of several major political and economic shocks exacerbating suffering. It is not possible to separate the impacts of sanctions from the effects of other causes of hardship. The best that can be attempted is a modified form of “process tracing” in which the specific impacts of the types of sanctions imposed are assessed in a dynamically interactive manner in the context of the other factors at work. The result, while not a precise accounting of impacts, can

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be a reasonably accurate assessment of the additional or compounded humanitarian hardships that result from the imposition of sanctions. We therefore disagree with the conclusion of the earlier DHA report that “searching for an objective methodology which might rescue a humanitarian assessment from the vagaries of political debate would be futile.” The methodology proposed by the present report is designed to provide a more solid basis on which to collect and analyze data, thereby delimiting—although by no means altogether avoiding—the toll which political crosscurrents may take.

A related methodological challenge is the difficulty of gathering information on sanctions impacts. Experts recognize that household surveys and community level data are the best sources for assessing the humanitarian effects of sanctions, especially on the most vulnerable populations. Yet such data are seldom available prior to sanctions imposition, making baseline information scant. Collecting extensive new data during a sanctions incident may require considerable effort and resources. Humanitarian actors on the ground can provide important data from a specific locale, but broader information-gathering efforts may be problematic. Those trying to assess sanctions impacts must sometimes use data at a higher level of aggregation than would be ideal.

Despite the difficulties in developing a sanctions assessment methodology, a number of building blocks exist. In a seminal paper, “The Impact of Economic Embargoes on Health,” Richard Garfield summarizes a variety of case studies that examine the impacts of sanctions on national health conditions. An economic embargo affects health mainly through three mechanisms. First, it can reduce the quality and quantity of goods available to satisfy a person’s need to eat, drink, and dispose of wastes. Second, it can reduce the capacity of the public health system to maintain food, water, air, and medicines of adequate quality. Finally, it can constrain the capacity of the system of curative medical care to respond to limitations and failures in these two regards. Societal adjustments to these changes, and a variety of other factors, including health education, will influence the precise medical

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impacts. Sanctioned countries generally are ruled by leaders with little commitment to the quality of life among the most vulnerable sectors of the population, Garfield notes, making increased levels of morbidity and mortality likely.<sup>3</sup>

A recent report for UNICEF by Eric Hoskins, a member of the Harvard Study team on Iraq, proposes a framework and set of measurable indicators for a “child impact assessment” of sanctions. Based on the UNICEF mandate for implementing the Convention on the Rights of the Child and other international human rights codes such as the Universal Declaration of Human Rights, Hoskins examines a number of “sanctions sensitive indicators.” Hoskins also introduces two essential methodological considerations. First, he observes a sequence of sanctions impacts through a series of phases. Upon imposition, sanctions have an immediate, direct impact on the economy reflecting dramatic changes in export earnings and the curtailment of communications and travel (depending, of course, on the degree of comprehensiveness of the measures). Intermediate effects of sanctions are experienced by the population generally, but by children in particular, in the health and food security sectors of the economy, especially if these sectors have a heavy concentration of imports. Long-term effects of sanctions encompass an array of chronic conditions in health and social support systems.<sup>4</sup>

Secondly, Hoskins proposes that the unit of analysis for sanctions impacts be households, the societal unit most likely to include the vulnerable (i.e., women, children, and the elderly) and least able to resist deprivation. Household data can be a valuable corrective to regional or national level indicators. The latter are too highly aggregated and insufficiently sensitive to quality-of-life variations in short time periods.<sup>5</sup> As noted earlier, household surveys may require extensive field research and original data collection, which can be extremely challenging in the complex emergencies and highly politicized settings often associated with the imposition of sanctions. A number of agencies collect information at the household level, however, and this should be used to supplement other data sources.

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The 1995 DHA study also makes an important methodological contribution. It points out that the level of activity among humanitarian actors provides another indicator of the impacts of sanctions. As suffering among the civilian population increases, so too will the task of aid groups, although it is important to note that the level of aid activity itself may be reduced by the difficulties of functioning within a sanctions environment.<sup>6</sup>

Studies such as these provide some information, however contentious, about the “winners” and “losers” in the competition and reallocation of scarce resources in a target state.<sup>7</sup> They offer relatively less insight about the mix of short-term and long-term effects of sanctions on a nation’s economic and social infrastructure. On the assumption that sanctions will continue to serve as a major policy tool in the future, better data and analytical frameworks are critically important to all actors, political and humanitarian alike.

### **Impact Indicators**

Central to the challenge of sanctions assessment is the identification of a set of indicators that can anticipate the likely impacts of sanctions before they are imposed, establish baseline levels for relevant social indicators, and provide a benchmark for monitoring changes that take place after sanctions are imposed. While a precise scientific measurement of the various impacts of sanctions is not feasible, sufficient information can be obtained to make sound judgments about the humanitarian consequences of sanctions. The development of a common set of indicators can thus be useful to UN officials and other actors in preassessing and monitoring sanctions impacts.

The proposed set of indicators is not applicable in all sanctions episodes nor suitable for every country or specific situation. Sanctions differ from case to case and they affect the countries or regions against which they are imposed differently. The vulnerabilities of societies and population groups vary widely. Societies with moderate to high levels of hospital care and relatively high

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numbers of physicians will feel civilian pain from sanctions differently than a population with scarce use of hospitals and limited access to doctors. The indicator-based methodology proposed below is designed to be flexible and adaptable to differing national and local situations. Tailoring the common set of indicators to a specific situation is the challenge for both headquarters and field personnel.

The standard set of indicators is offered as a toolkit from which agencies and officials in the field can select the most appropriate and relevant measures for determining local impacts. Judgements by officials and experts familiar with the specific local situations are most likely to be sensitive to existing vulnerabilities in public health, nutrition, and other important categories. For example, in a target society where 80 percent of the population is rural, economic indicators which focus on urban life are not helpful, and should be replaced by measures more sensitive to changes in rural quality of life. This field-based element in the preassessment and monitoring process can help to assure a more versatile, more coordinated and better informed response to sanctions situations. It ensures a methodology that is both generic and specific, with standard measurement indicators that can be applied in a country-specific, community-based context.

Agency personnel, humanitarian organizations, and experts each have a major role to play in the methodology proposed here. The methodology will best serve its purposes when it includes: (a) an early expert assessment of which specific categories of indicators should be given greatest weight for the particular target society; (b) judgement of the adequacy of discrete indicators within each category; and (c) access to multiple data sources with special emphasis on local reports and information gathered on the ground.

### *Criteria for Selecting Indicators*

The following criteria have guided the selection of the indicators presented here.

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### *Limited Number*

The objective is to choose the smallest number of indicators that can give an accurate picture of sanctions impacts. Past attempts to develop indicator lists have foundered in part because of their detail and comprehensiveness. It is better to have 25 carefully chosen indicators than fifty or one hundred. The smaller the number, the easier to collect and analyze data, and the more useful the methodological tool. The selection presented below focuses on those available indicators that give the most accurate picture of sanctions impacts. The emphasis is on indicators that are sensitive to rapid change and that reflect as much as possible sanctions-specific impacts.

### *Availability of data*

This methodology concentrates on data that already exists. Experience has shown that attempting to collect data in the midst of complex humanitarian emergencies and political-military crises is often problematic. To the maximum extent possible, the indicators thus emphasize measurements that are already available from UN agencies or other credible sources. While additional research and data gathering are necessary for some of the indicators listed, complex and expensive information-gathering efforts should be avoided. Ease of access to data is an important criterion for the selection of indicators.

### *Quantitative measures*

Many of the indicators proposed here can be expressed in objective scientific terms. The quantitative element is especially strong in the first two indicators—public health and economics. Population displacements, the third indicator, can be measured quantitatively, but data availability and quality may be problematic. Many of the indicators in the final two categories—governance and civil society, and humanitarian activities—are less definable in quantitative terms but nonetheless important. This emphasis on the quantitative is not meant to devalue the importance of qualitative indicators as essential determinants of the overall impacts of

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sanctions. Many of the indicators that measure a society's vulnerability to sanctions are necessarily qualitative in nature. They must be included, along with quantitative measurements, to gain a complete picture of sanctions impact.

The reliability of data essential for an effective methodology is often difficult to attain in sanctions cases. Especially in poor developing countries, credible figures for many of the most important indicators may be hard to obtain. Even in the categories that are most readily expressed quantitatively, such as public health and economics, questions about data reliability may emerge. Unimpeachable information is simply not possible in many of the strife-torn crisis settings where sanctions are imposed. Nonetheless, careful measurement and analysis of available information can provide a valid assessment that is adequate to establish rough orders of magnitude of humanitarian needs.

A related complication involves the use of information from official sources. Often the government targeted by sanctions is a major source of information, especially of baseline data. UN agencies rely on information from government sources but then double-check this data independently whenever possible. At times parallel studies are conducted to verify official government figures. Validation can also be aided by spot checks at specified health, economic, or migration facilities and through consultation with key experts and practitioners in humanitarian agencies and NGOs.

The task of preassessing humanitarian impacts involves identifying the vulnerabilities of groups within a target society. These vulnerabilities can be measured in health, economic, social, and political dimensions. The focus here is on those vulnerabilities that are most important in human terms. Some of these vulnerabilities, such as high rates of infant mortality, have no relation to the political aims of sanctions. In such cases, adverse impacts can be ameliorated without undermining policy goals. Other vulnerabilities directly affect the workings of sanctions. This is especially so in the area of governance and civil society, where the relative standing of a government and its domestic opposition (if one exists) can be affected and will have an impact on the likely

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effectiveness of sanctions. The question is not only how sanctions are hurting but whom they are hurting and how. If pro-reform constituencies within a target state suffer inordinately and are disempowered as a result of sanctions, the policy objectives of those sanctions are likely to be undermined. This methodology is accordingly designed to measure how sanctions affect different constituencies and social groups.

Sanctions assessment must assume that the target regime will attempt to shift the burden of suffering onto opposition constituencies and vulnerable populations. Experience has shown that ruling elites usually succeed at insulating themselves from the hardships of sanctions and may even benefit. The loyal followers of a regime are rewarded, while actual or likely opponents are punished. This phenomenon of burden-shifting is most likely to occur in cases of internal disputes and human rights abuse. The ruling elites of targeted nations may enrich themselves through control of black marketeering and smuggling operations. These internal consequences of sanctions must be anticipated both by decision makers and analysts. The differential impacts of sanctions on populations and constituencies within the target country must be carefully tracked both for humanitarian purposes and policy objectives.

### *Categories of Indicators*

Five categories of indicators are proposed: public health, economics, migration, governance and civil society, and humanitarian activities. The categories are presented separately, but they are closely interconnected. An analysis of the categories together rather than of any single category is needed to provide a total picture of sanctions impacts.

#### *Public Health*

Public health indicators are probably the most important tools for understanding the impacts of sanctions on people. Public health is also the area where the greatest amount of research data is

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available, often in quantifiable form. A great deal of prior work has been done in this field by many researchers and agencies. The challenge in this category is to narrow the number of indicators to a manageable number. Those selected emphasize impacts on children and the health care system. Also included is an assessment of the water supply system as an important factor in the spread of preventable disease.<sup>8</sup>

### *Economics*

Economic indicators have obvious importance for providing an overview of the impacts of sanctions within a society. They can also help to evaluate the likely impacts of sanctions on differing population groups. Some of the indicators in this category are macroeconomic, related to the overall vulnerability of a population to sanctions; others trace impacts on specific production sectors. The degree of urbanization in a society, expressed as a percentage of the workforce living in urban areas, and the form of specialization of the economy are among the most important factors.

### *Population Displacements*

Information about population movements and migration is important because displaced persons are often among the most vulnerable and the most severely affected by the impacts of war and sanctions. The presence of a large number of displaced persons is a key *prima facie* indicator of social distress. Although precise measurements of population movements are sometimes difficult to obtain, especially during periods of crisis and civil unrest, it is usually possible to gain a general picture of population shifts. The differentiation of involuntary from voluntary migration, although sometimes difficult, is also important to an accurate assessment of impact.

### *Governance and Civil Society*

Impacts within this category can have direct and indirect humanitarian consequences. Direct impacts register as an increase in crime

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and social violence or intensified state efforts to repress or control the population. Indirect impacts result from the effect of sanctions on power dynamics within the target society. An analysis of governance and civil society impacts can help to determine whether sanctions are empowering pro-reform groups or enabling ruling elites to enrich themselves while shifting the burden of suffering to opponents and the most vulnerable. Understanding these dynamics is crucial to assessing both the humanitarian and policy consequences of sanctions. This category may not be applicable in cases where there has been no history of civil society. However, in cases where opposition constituencies exist, or where fledgling opposition movements may be emerging, it is important to assess the impacts of sanctions on internal social and political dynamics.

#### *Humanitarian Activities*

Sanctions inevitably affect the work of humanitarian agencies, as described in chapter 1. Understanding the specific ways in which the activities of these agencies are affected by sanctions can be helpful to an overall assessment of sanctions impacts. The DHA preassessment study of the potential impact of sanctions in Sudan relied extensively on information from humanitarian agencies operating in the country. Changes in the activities of these agencies can be an indicator of humanitarian impacts. An increase in relief operations usually indicates rising humanitarian need, which may outrun the ability of aid groups to mount relief activities. Although humanitarian agencies, like political authorities, may overstate or understate potential impacts, this category nonetheless can help to round out the picture of sanctions impacts.

#### *Monitoring Sanctions Impacts Over Time: A Multistep Methodology*

The terms of reference for this study request a tool of analysis that both assesses the likely impacts of sanctions before they are imposed and examines the actual impacts after sanctions are in

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place. To do this it is necessary to distinguish between “baseline” and “change” indicators. The proposed methodology provides a multistep mode of analysis:

- Establish baseline data;
- Anticipate vulnerabilities and likely impacts on differing social groups;
- Monitor change indicators to determine actual impacts;
- Take necessary ameliorative action, e.g., broadening exemptions or modifying sanctions; and
- Monitor results of ameliorative action and ongoing impacts.

Two forms of data collection are required—for baseline data and for change indicators—mediated by an anticipatory analysis of potential vulnerabilities. Baseline data provide the reference point for later analysis and can be designated as  $t - 1$  ( $t =$  time) before sanctions are imposed. The date of sanctions imposition is time  $t$ . The change indicators measure the situation after sanctions are in place,  $t + 1$ . An assessment of the actual difference or change in circumstances between time  $t + 1$  and  $t - 1$  can then be compared to the anticipatory analysis to ascertain sanctions impacts. Ameliorative action, if necessary, can be implemented at time  $t + 2$ . Continuing monitoring at time  $t + n$  determines the results of any ameliorative action and the ongoing impacts of sanctions over time. Table 2 illustrates this multistep methodology.

This multistep methodology provides for the development of ameliorative action if humanitarian impacts are found to be severe. A principal reason for attempting to measure humanitarian impacts is to take action to minimize these consequences. If severe impacts are identified, the logical response is to craft exemptions and/or modify the sanctions themselves (e.g. by refocusing, easing, or lifting them).

Often ameliorative action can be taken without jeopardizing policy objectives. Sanctions are a coercive instrument intended to impose economic hardship on a target country in order to change its governmental policies. The goal of altering the political

Table 2: Monitoring Sanctions Impacts Over Time

Baseline Analysis Time (t-1)	Sanctions Imposed (t)	Change Indicator (t+1)	Ameliorative Action, if Necessary (t+2)	Ongoing Monitoring (t+n)
UN system collects information for baseline indicators using existing data sources where possible (e.g., GIEWS, HEWS)	System identifies potential vulnerabilities, drawing on baseline data, and recommends exemptions as components of UNSC resolutions	Change indicators monitored to ascertain actual humanitarian effects	Agencies recommend further exemptions and other action to mitigate severe impacts	Results of ameliorate action evaluated and continuing sanctions impacts monitored

Table 3: Checklist of Indicators for Preassessing and Monitoring Humanitarian Impacts of Economic Sanctions

Category	Baseline Indicator	Change Indicators
1. Public Health	Infant and Child Health Status	Increase in infant deaths, as reported by hospitals and in vital events recording systems Wastage and stunting of children, as measured by adverse changes in weight-for-age and height-for-age ratios
	Hospital and Medical System Capacity	Decreases in numbers of operations and x-rays performed Diminished availability of vaccines Reduced number of visits to health system Reported cases of previously eradicated diseases
	Low Birth Weight	Rise in reported percentage of low-weight infants Rise in number of pregnant women with low weight gain
	Access to Safe Drinking Water	Decline in percentage of population receiving pumped water Breakdowns in water pumping system Decline in the availability of chlorine
2. Economic Conditions	Level of Economic Development as measured by GDP/capita	Changes in income distribution across different income groups

Table 3: Checklist of Indicators for Preassessing and Monitoring Humanitarian Impacts of Economic Sanctions (cont'd)

	Dependence on Imports and Exports	Declining availability/rising market price of foodstuffs Declining availability/rising market price of pharmaceuticals
	Form of Economic Specialization	Changes in urban/rural population mix
3. Population Displacements	Presence of Refugee Camps and Populations of Displaced Persons	Increase in involuntary migration Start of new migratory population flows Creation or rapid expansion of refugee camps and/or concentrations of internally displaced persons (IDPs)
4. Governance and Civil Society	Status of Civil Society	Changes in government budgetary allocations Increases in crime and civil unrest Decline in number of independent civic organizations
	Degree of Political Freedom	Suppression of political parties Decline in number of independent media outlets Increasing numbers of political arrests
5. Humanitarian Activities	Level of Humanitarian Activity	Change in ratio of people served by aid programs relative to the people making demands on those services Decline in the ability of humanitarian agencies to perform services

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behavior of a reprobate regime is not advanced by actions that cause rising infant mortality, for example. Severe humanitarian impacts of this nature are morally unacceptable and politically counterproductive. Ameliorative action can and should therefore be taken to minimize such impacts.

The specific baseline and change indicators for the five categories are summarized in table 3 and the narrative that follows.

### *Category 1: Public Health*

Public health statistics are an excellent indicator of the well-being of a society, and they are highly sensitive to sanctions-induced changes. Information in this field is widely available, can be expressed in quantitative terms, and is less susceptible to bias or manipulation. Even in this category, however, the data limitations and methodological difficulties noted earlier can create uncertainties.

The credibility of public health data can be enhanced by the collection of information at designated sentinel stations, such as pharmacies, health centers, hospitals, and water pumping and storage sites. These stations should be selected on the basis of the indicators that are most relevant to the particular situation. Data collections should also be sensitive to the geographical and socioeconomic composition of the affected population. Other selection criteria include: the number of people affected, the presence of vulnerable groups in this affected population, and the likelihood of avoiding data manipulation.

The following indicators are included in the public health category:

#### *Infant and Child Health Status (baseline)*

The most fundamental public health indicator is infant mortality. More than any other single quantifiable measure, infant mortality rates provide a snapshot of social conditions and give the best overall picture of a people's health. They are also a proxy measure of women's nutritional, economic, and educational status.

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While infant mortality is a superior baseline indicator, it is unsatisfactory as an indicator of change. Infant mortality rates are based on a number of social and economic conditions and do not respond quickly to changes in living conditions. Several years of data collection and averaging may be necessary before significant statistical changes in infant mortality rates appear. Moreover, due to a complex variety of causes, infant mortality rates have shown a long-term tendency toward decline in nearly every society, making it extremely rare when infant mortality rates increase for more than a short period or among very limited populations.

Closely associated with the rate of infant mortality is the health and nutritional status of children. The survival prospects and development opportunities of children under five years of age are crucial indicators of public health. The most accessible and fundamental measure is the nutritional status of children, as indicated by weight and height. Measurements of weight-for-age and height-for-age can provide essential information on the health of children. Declines in weight-for-age indicate wastage, while declines in height-for-age indicate stunting. Wastage reflects the short-term results of nutritional deprivation, while stunting results from chronic malnutrition.

The following change indicators provide quickly available information on potential adverse changes in infant and child health:

- an increase in infant deaths as reported by hospitals, health centers, and in vital events recording systems; and
- wastage and stunting of children, as measured by adverse changes in weight-for-age and height-for-age figures.

When evaluating infant death reports, it is necessary to consider changes in overall population levels. The reported number of infant deaths may remain constant, but if population levels decline due to migration, unchanged infant death rates may indicate rising infant mortality. Conversely, rising infant deaths in a society where population is increasing may not be an indication of worsening conditions. It is important to evaluate the number of

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infant deaths (the numerator in the ratio) and the overall population level (the denominator). When there is a sharp positive change in the ratio, a potential adverse change in infant mortality is indicated.

The capacity of the reporting system, both for baseline infant mortality and short-term changes in hospital mortality and vital events, significantly affects the reliability of this indicator. Officials may attempt to manipulate data obtained from hospital statistics or vital events recording systems. Government information sources may also suffer from faulty data collection and inadequate reporting. In very poor countries experiencing severe humanitarian emergencies, the quality of such data may be low. Spot checks and reliance on a network of sentinel stations could help mitigate such problems.

Measurements of weight-for-age and height-for-age ratios are widely available in many countries. Changes in these measurements can be determined through examinations that do not require elaborate medical facilities. Declining weight-for-age ratios, wastage, are a sign of immediate short-term nutritional deficits and are especially important as change indicators.

#### *Hospital and Medical System Capacity (baseline)*

The state of the health delivery system in a country is an essential indicator of public health. The status of the medical system can be evaluated by such measurements as the number of operations performed, the number of visits to the health system, and the number of x-rays performed. A related indicator is the vaccination rate among children five years of age and under. The baseline data should specify what proportion of total health care visits and hospitalizations occur off hospital premises. The baseline data may also include the total number of births and deaths registered at hospitals.

Change indicators to be monitored include:

- decreases in the numbers of operations and x-rays performed;
- diminished availability of vaccines;

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- reduced numbers of visits to the health system; and
  - reported cases of previously eradicated diseases.

In urban settings, reductions in the number of operations and x-rays performed and in the number of visits to the health care system are signs of declining public participation in the medical system. A diminished supply of vaccines is a predictor of increased rates of disease and mortality, especially among children. Information about access to medical facilities and the availability of vaccines may be available from public health authorities and medical societies, although public officials may be under pressure to manipulate data. Information on these change indicators may also be obtained through random checks of individual medical facilities.

As with the infant mortality rate, it is important to control for any changes in overall population levels. A decrease in operations, x-rays, and health care visits may simply reflect a declining population due to migration. However, a sharp decline in the availability of medical care while population levels remain constant can be a strong indicator of severe public health effects.

The emergence of diseases that were previously eradicated in a target country indicates a serious deterioration in public health due to sanctions. Diseases such as measles, polio, malaria, and typhus—greatly reduced or completely eradicated in many countries—may reappear after sanctions are imposed. The appearance of these diseases is verifiable through spot checks at hospitals and health centers if reliable country data are unavailable.

### *Low Birth Weight (baseline)*

Existing public health statistics normally provide measurements or estimates of the percentage of infants born with abnormally low birth weight. This is a crucial measure of health vulnerability. Low-weight babies are more likely to experience illnesses or death. An even better measure of public health is the percentage of women who fail to gain appropriate weight during pregnancy, although this data is not as widely measured and may not be available.

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Change indicators are:

- a rise in the reported percentage of low-weight infants; and
- a rise in the number of pregnant women with inadequate weight gain.

The availability of information on these change indicators depends greatly on the capacity and reliability of the vital events reporting system and the coverage of the national health care system. As noted earlier, these data sources may suffer from limitations. The monitoring of health facility records could be supplemented by random checks of individual medical facilities. Accounting for any changes in overall population levels is also necessary.

*Access to Safe Drinking Water (baseline)*

Access to clean, safe drinking water is vital to human health and an important factor in public well-being. Deterioration in water quality or in the availability of pumped water can lead to the outbreak of infectious disease and a consequent decline in public health. The essential baseline information required here is the percentage of the population receiving water from municipal systems. The availability of chlorine for water purification also should be measured.

Change indicators relating to the capacity and quality of the water system include:

- a decline in the percentage of the population receiving pumped water;
- breakdown in the water pumping system; and
- a decline in the availability of chlorine.

Data-collection methods include site visits to water and sanitation facilities, random water quality testing, and systematic evaluation of available reports on water pumping capacity. Precise data on the percentage of the population receiving pumped water

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may be difficult to obtain, yet an overall analysis of the condition of the water pumping system may be easier. Combining the results of these analyses with an assessment of chlorine availability is sufficient to give an accurate picture of overall drinking water quality.

As noted earlier, the relevance of the various change indicators will vary from case to case depending on the nature of the sanctions imposed and economic and social conditions in the targeted country. In a predominantly rural underdeveloped country, measuring child nutritional status and the return of formerly eradicated diseases would be more relevant than monitoring the number of operations and x-rays performed in hospitals. The selection of which indicators to examine will be highly contextual and based on country-specific criteria.

#### *Category 1 data sources*

UN demographic surveys and a target country's national census data are helpful for infant mortality rates, while individual health units and the ministry of health should prove useful for changes in infant deaths as well as for hospital and medical capacity information. Low birth weight information may be available at the health units. Safe drinking water statistics should be found at the relevant governmental ministry. Spot checks of selected sentinel stations can help verify or correct official sources and highlight emerging trends before they show up in government or UN agency statistics.

#### *Category 2: Economic Indicators*

In this category are indicators that suggest the economic vulnerability of at-risk populations. As with the other categories, data collection and monitoring under the circumstances that usually prevail when a country is subject to sanctions are difficult and fraught with unreliability. For the indicators selected here, much of the required data can be obtained from the UNDP's

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annual *Human Development Report*. Three general types of economic indicators provide information about the humanitarian impacts of sanctions: general economic welfare measures, the extent of an economy's dependence on imports and exports, and the form of domestic specialization of the economy.

Generally, the poorer an economy, the more vulnerable a population to economic sanctions and the greater the prospect of severe humanitarian impacts. However, in developing countries where the rural economy is largely agricultural and self-sufficient and thus not significantly dependent on export or import markets, the impacts of sanctions are likely to be less serious. The presence of a large self-sufficient agricultural sector in a country provides some immunity to sanctions. It is important, therefore, to consider the different types of economic indicators together, evaluating not only general levels of economic welfare but specific levels of external dependence and domestic specialization.

Understanding the structure of political and economic power in the target country is important. An initial assessment is needed of the economic base of ruling elites and of the corresponding vulnerabilities of minority populations or opposition groups. In particular, understanding the connections of ruling elites to external trading and financial systems, especially their investment profiles and the magnitude and location of financial assets held abroad, is crucial. Ruling elites heavily dependent on foreign trade and finance are potentially vulnerable to financial sanctions. Such information can be valuable for the targeting of sanctions in ways that maximize pressure on elites while minimizing adverse impacts on vulnerable groups.

#### *GDP Per Capita (baseline)*

Gross domestic product per capita, for all its limitations, is the best overall measure of a society's economic welfare. Countries with low GDP per capita are by definition poor and are potentially most vulnerable to economic hardships resulting from sanctions. The 1997 *Human Development Report* lists 45 countries in the category, "low human development." These countries have an

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average GDP per capita of \$1,308, compared to an average of \$17,052 for 64 “high human development” countries. As noted earlier, though, while low GDP per capita indicates poverty, this does not necessarily mean that sanctions against such a country will result in severe humanitarian hardship.

GDP per capita is not a good indicator of economic change since it is composed of many variables that may not be sensitive to short-term changes. The best single variable related to general economic welfare is:

- a change in income distribution across different income groups

One common measure of income distribution is the GINI coefficient. Although highly sensitive to the quality of data, GINI coefficients can show how far the actual distribution of income varies from a theoretically equal distribution of income. If the imposition of sanctions leads to sudden adverse changes in the distribution of income, human suffering will increase. If these adverse income changes occur at the expense of social groups likely to support political reform, the policy objectives of sanctions may be jeopardized.

#### *Dependence on Imports and Exports (baseline)*

An essential factor in determining the potential economic and social impacts of sanctions is the extent of a target country’s dependence on external trade and finance. The greater a country’s dependence on external markets, the more severe will be the economic impacts of sanctions. Economies that are highly specialized internationally will be more susceptible to sanctions and may suffer greater humanitarian hardships as a result. A baseline analysis that shows a high degree of dependence on international markets suggests substantial vulnerability to sanctions.

Of particular importance is a country’s dependence on food imports. Overall, food imports as a share of merchandise imports have fallen for all developing countries from 13 percent in 1970

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to 7 percent in 1993. This may suggest that the impact on food consumption of economic sanctions may not be as great now as would have been the case in the 1970s. Nonetheless, countries significantly dependent on food imports are likely to face large-scale humanitarian problems if sanctions are applied. Reductions in food imports may also result from a sharp drop in national income earnings and resulting financial limitations.

The change indicators associated with dependence on imports are:

- declining availabilities and rising market prices of basic foodstuffs; and
- declining availabilities and rising market prices of pharmaceuticals.

In countries with substantial dependence on imports for food and medicine, a decline in the availability of these goods is a strong indicator of potential humanitarian crisis. Information about the availability of food and pharmaceuticals may be available from the statistical departments of public agencies, although these sources may be susceptible to manipulation. Perhaps the best measure of declining availability is a sharp rise in market prices. As the supply of food and medicines declines, market prices rise. When these prices reach beyond the purchasing capacity of a population, severe humanitarian hardships are indicated. In countries which institute a rationing system, market price sensitivity may be tempered somewhat by public subsidies. Even in these circumstances, however, declining availability of food and pharmaceuticals will lead to rising market prices. The severity of the resulting humanitarian hardships will be affected by the efficiency and capacity of the rationing system.

*Form of Domestic Economic Specialization (baseline)*

The greater the specialization of the domestic economy, the more severe the effects of sanctions and the more damaging the potential humanitarian consequences. As noted earlier, in a country with

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substantial subsistence farming, sanctions will likely have little impact on the lives of ordinary citizens. Closely related to the form of economic specialization is the percentage of the population living in urban areas. The more urbanized the population, the more specialized the economy and the greater the vulnerability to sanctions.

The primary variable related to the form of economic specialization is:

- a change in the urban/rural population mix

A rapid increase in the urban population in a society with a highly specialized domestic economy is a clear indicator of humanitarian hardship. It should be noted, however, that in some situations, a rise in economic hardship may lead to a reverse migration of urban dwellers moving to the country, particularly where subsistence farming is available in rural areas. In societies where this option is not available, because of land use patterns or geographic conditions, sanctions may lead to an increase in urbanization and greater suffering.

#### *Category 2 data sources*

The most important information sources are reports from UN agencies and related international institutions including the ILO, International Monetary Fund (IMF), World Bank, and FAO. Particularly useful is the UNDP's *Human Development Report*. Information on adverse price changes can be obtained through spot checks of various markets. Nationwide data can be corroborated through price checks in specific communities.

#### *Category 3: Population Displacements*

As noted earlier, the presence of a large number of internally displaced persons (IDPs) is often a baseline indicator of potential humanitarian vulnerability. The involuntary movement of populations to different regions within a country or across borders is

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usually the sign of a deterioration in humanitarian conditions. It is difficult to determine the exact level of migration across international borders, although a general estimate of the trend and order of magnitude involved can be made. Migration within a country is even harder to document, especially in developing countries. For the purposes of preassessing or monitoring the humanitarian impacts of sanctions, a precise count is not important; an approximation is sufficient. If a country under sanctions experiences a rapid involuntary displacement of people, either internally or to refugee camps in third countries, this is a clear indication of negative humanitarian consequences.

To determine whether sanctions have caused an increase in population displacement, it is necessary to know the existing population patterns within a target country, especially the history of prior population movements. Persons may reside in third country refugee camps for reasons unrelated to the imposition of sanctions. Analysts must also understand seasonal and/or labor migration patterns, both internal and international. An observed increase in migration may be the result of seasonal factors or normal shifts in laboring populations. The percentage of the population that is sedentary versus nomadic, if applicable, must also be considered. A sedentary population would be less likely to migrate than a nomadic one.

*The Presence of Refugee Camps and Populations of Displaced Persons  
(baseline)*

The most important baseline indicator is the prior existence of at-risk populations of migrants. People in such condition are by definition vulnerable and are often heavily dependent on external sources of support for their very livelihood. Monitoring the status of refugee camps or populations of displaced persons is crucial to the task of anticipating the humanitarian impacts of sanctions.

The change indicators associated with these baseline measurements are:

- an increase in involuntary migration;

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- the start of new migratory population flows; and
  - the creation or rapid expansion of refugee camps and/or concentrations of IDPs.

It can be assumed that sanctions will increase the likelihood of involuntary migration in general, and of out-migration to third countries in particular. A careful monitoring of such population movements, taking account of prior historical or seasonal patterns, can verify whether such change is in fact occurring. The observed change can be either an increase in the populations of refugee camps or a more rapid flow of people from their homes to other locations either internally or across borders.

If there is no refugee camp prior to sanctions, the establishment of one in a third country would be a clear indication of hardship. If there is already a refugee camp in place, it is important to measure the change in population from time  $t$  to time  $t + 1$ . More difficult to assess, but no less significant, are increases in voluntary labor migration within a country. Such population flows may result from economic and social hardships caused by sanctions.

Migration flows are related to a country's degree of economic specialization, as noted above. In economies that rely heavily on a single export crop and where peasants do not control production or land use, sanctions may interrupt production and export opportunities, creating changes in income and employment. If there are no possibilities to shift toward local food production, the direction of migration will be from rural to urban. On the other hand, if the primary exports come from factories in urban areas, sanctions that disrupt such production may result in return-migration from cities to rural areas.

### *Category 3 data sources*

The most important sources of migration statistics include the migration and mortality section of the United Nations Population Division, the ILO, UNHCR, and annual private studies by NGOs such as the U.S. Committee on Refugees and the Norwegian Refugee Council. The World Bank also collects population data that can help to determine urban and rural breakdowns. Statistics

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on legal migration tend to be published on an annual basis, but population displacements are scrutinized more frequently by country officers of UNHCR and other agencies which work with forcibly displaced persons. Since forced migrations can occur rapidly, it is necessary to go beyond annual statistics to obtain the most current information on population displacements.

*Category 4: Governance and Civil Society*

This category measures humanitarian impact in the context of policy objectives, examining the consequences of sanctions on the social and political fabric of the target country. Emphasis is placed on the differential consequences of sanctions for independent civic activity, government elites, and actual or potential opposition constituencies. Direct humanitarian impacts result from rising crime rates, increased repression, and government budgetary allocations in response to sanctions that disadvantage the most vulnerable populations. Indirect effects determine the relative political capacity of government and internal opposition (if any) and thereby affect the prospects for policy accommodations that can lead to the lifting of sanctions.

Although the terms civil society and governance lack universally accepted meaning, they generally refer to political liberty and legal protection from harsh and arbitrary rule. Civil society connotes the existence of private associations independent of state control. In international institutions such as the World Bank, governance is increasingly preceded by the adjective “good” and suggests accountability, transparency, and the absence of repression and corruption. In some societies, especially in the repressive regimes that often are the targets of sanctions, guarantees of human rights and civil society may not exist in the first place. Notions of individual human rights may be alien or have no historical foundation. Nonetheless, an attempt to assess the internal political and social dynamics within a target regime can yield important information on the humanitarian and political impacts of sanctions.

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The relevance of this category will vary from case to case, depending on the type of sanctions involved and the form of governance (and the nature of the internal opposition, if any) in the targeted country. Where Western-style political traditions do not exist, analysts may choose to de-emphasize this category. As with other elements of this methodology, the decision on which categories and specific indicators to emphasize will be highly contextual.

The baseline information in this category delineates the status of civil society and the degree of political freedom within a country.

*Status of Civil Society (baseline)*

The civic health of a society is measured by many factors, including its spending priorities, the level of crime and civil unrest, and the presence or lack thereof of independent associations. Increased levels of crime and government repression can have direct adverse humanitarian consequences in a target society. Where civil society is strong, the prospects for internal opposition to objectionable government policies are greater. An active and well-organized civil society will be better positioned to take advantage of any weaknesses or divisions within government resulting from sanctions. At the same time, where the civil society is weak the pressures generated by sanctions may lead to social decay or tightened government control and repression.

Key change indicators associated with the status of civil society are:

- changes in government budgetary allocations;
- increases in crime and civil unrest; and
- a decline in the number of independent civic organizations.

A government facing sanctions may reduce social spending generally or cut funding for specific minorities or constituencies, while redirecting available resources toward the armed forces and regime supporters. Such budgetary reallocations within a targeted

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state are usually intended to disempower the affected groups and often result in greater hardship.

A rise in social conflict and decay, as reflected in ethnic violence, crime, and other measures of lawlessness, indicates increased hardship. Signs of social decay may emerge especially among disempowered minorities or social groups. At times this unrest may signal growing opposition to the policies of the targeted regime.

Another variable is a fluctuation in the number of associations or groups within a country. Analysts can examine the number of associations that exist for every 100,000 people, and the status of religious institutions, trade unions, social organizations, and business chambers. A decrease in the number of such groups would signal a weakening of civil society, while an increase would suggest an expanding base for potential opposition. Again, an understanding of the previous experience of the targeted society is critical to the interpretation of such data.

*Degree of Political Freedom (baseline)*

If the target society is a multiparty democracy, it is important to ascertain the number, status, and strength of opposition parties. It is also important to know if elections are held regularly and if they are free and fair. The degree of censorship and state control of the media is also important. Baseline analysis should also assess the criminal justice system and whether or not political prisoners exist.

Change indicators to monitor here include:

- suppression of political parties;
- a decline in the number of independent media outlets; and
- increasing numbers of political arrests.

When opportunities for political expression are curtailed and political parties suppressed, popular controls on state authority are reduced, and government control and repression are intensified. Such tightened control may be evident from an increased presence of paramilitary and police forces in particular communities and by

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rising numbers of demonstrations and incidents of repression and arrest. The status of key opposition groups, if any, may be jeopardized.

Other important factors to measure are the number and status of independent newspapers and broadcast media. A decline in independent media outlets indicates greater government control over information flows and a weakening of civil society. Conversely, an increase in the number of independent media outlets may suggest a strengthening of civil society.

#### *Category 4 data sources*

Information on the status of civil society and the level of crime or political repression in a target country comes primarily from nongovernmental sources. These may include Amnesty International, Human Rights Watch, local NGOs, local religious organizations, and the UN's Commission and Centre for Human Rights.

#### *Category 5: Humanitarian Activities*

The scale and quality of humanitarian activities can be important factors affecting the well-being of people suffering under economic sanctions. In developing countries and in nations afflicted by violent conflict or complex emergencies, such organizations play a vital role in caring for refugees, feeding hungry people, providing medical care, and protecting basic rights. The imposition of sanctions adversely affects the work of these agencies. Impacts can be defined both quantitatively (the number of people served, the number of humanitarian agencies involved) and qualitatively (the range of humanitarian services provided and the ability of these organizations to carry out their mission). A survey of humanitarian activities in a target country and a review of the changes in their functioning brought about by sanctions can yield important information about the likely impacts of sanctions on the humanitarian sector.

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*Level of Humanitarian Activity (baseline)*

Preassessment should survey the number of humanitarian organizations active in the targeted country and the nature and scale of the services provided. Not only the number of such agencies but the character of their activity and the number of people served must be analyzed. Such an analysis can provide an overview of the importance of humanitarian activities for the targeted society.

The most important change indicators would be:

- a change in the ratio of the number of people served by humanitarian agencies relative to the number of people making demands on those services; and
- a decline in the ability of humanitarian agencies to perform services.

The changes in humanitarian activities brought about by sanctions can vary considerably. In some cases agencies will be unable to perform their duties because of a lack of access to required supplies or a deterioration in the political climate in the host country. In other cases the hardships associated with sanctions will result in an increased number of humanitarian agencies in the country serving a greater number of people. Both sets of changes would be associated with humanitarian hardships, the former suggesting the inability of relief agencies to ameliorate the hardships, the latter indicating greater outreach to the needy. It is the combined impact, expressed as the defined ratio, which is most telling on vulnerable populations. Changes in the activities of humanitarian agencies must be interpreted separately in each case to judge the meaning of the change for the agency and the local population.

*Category 5 data sources*

Information for this category depends on an analysis of the present and projected activities of humanitarian agencies, including vari-

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ous UN agencies, UN Commission and Centre for Human Rights, NGOs, and the ICRC.

### **Recommendations**

- Following review of the multistep methodology and indicators contained in this report, the IASC should develop an action program, including financial implications, for the implementation of an improved UN system-wide effort to preassess and monitor sanctions. The goal should be the adoption of a more systematic approach to sanctions management, relying upon an agreed methodology and basic indicators adapted as needed to reflect country circumstances.
- The IASC should establish training programs to achieve higher levels of professionalism among both headquarters staff and field personnel who administer exemptions and/or manage humanitarian activities in sanctions settings. Both agencies and those who provide them with resources should be aware that significant expenditures on personnel will be required.

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## CHAPTER 3

### HUMANITARIAN EXEMPTIONS

The development of a methodology, including the identification of specific indicators of humanitarian impact, can inform the management of humanitarian exemptions when sanctions are imposed. This chapter reviews the theory and practice of such exemptions, examining the advantages and disadvantages of various approaches to the exemptions issue.

#### The Theory and Practice of Exemptions

In imposing coercive measures under Chapter VII of the UN Charter, the Security Council has generally allowed certain essential humanitarian items to continue to reach the country whose regime is targeted. Such pass-through arrangements are in keeping with the right of civilian populations to receive humanitarian assistance as recognized in international humanitarian law.<sup>1</sup> What have come to be called “humanitarian exemptions” represent the hinge between using sanctions to achieve political objectives, on the one hand, and safeguarding the rights of civilian populations in targeted countries, on the other. Concerns about the negative impacts of sanctions on civilians have grown in recent years to the point that approval of a resolution imposing sanctions devoid of such pass-through provisions is now unlikely.<sup>2</sup>

However widely accepted in theory, the framing and management of humanitarian exemptions has varied widely. Generally such exemptions are authorized from the outset in the same resolutions which impose sanctions; sometimes they are inserted later or modified over time. No generic exemptions language currently exists that is routinely incorporated into sanctions resolutions, nor, more fundamentally, does any generally accepted definition exist of what is understood to be “humanitarian.”

In one sense, the highly particularistic approach taken to humanitarian exemptions is consistent with the political challenge faced by the Security Council. It tailors sanctions arrangements to

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the specifics of a given perceived threat to international peace and security. A generic approach is unlikely to respond appropriately to such diverse political challenges as territorial aggression, international terrorism, and military coups against democratically elected regimes.

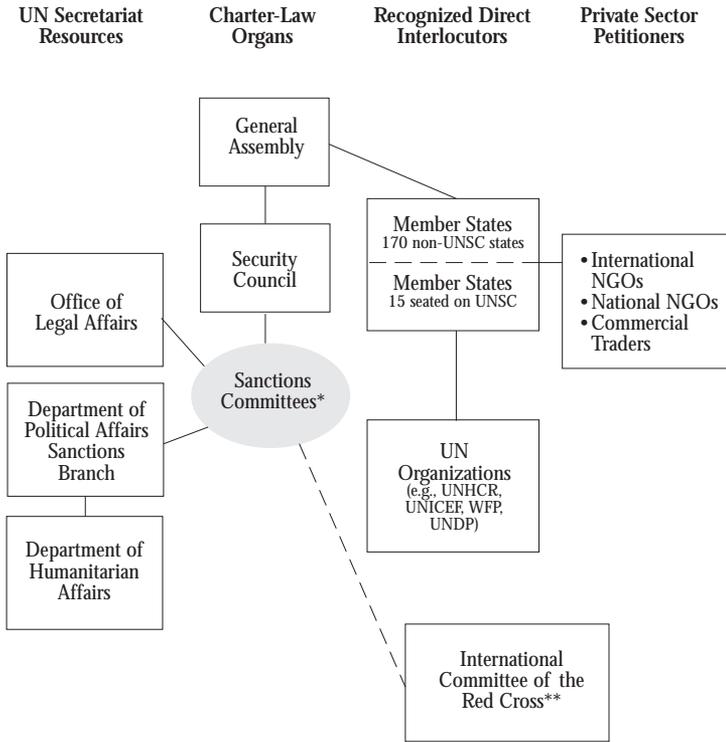
Less appropriate considerations, however, also contribute to the unevenness of approaches taken to humanitarian exemptions. The language of sanctions resolutions, while negotiated in the Security Council, often originates in the foreign ministry of a member government with a special interest in the imposition of sanctions. As a result, the institutional experience of the United Nations system is frequently drawn upon rather late, if at all. Moreover, little institutional memory of sanctions experience from within the UN secretariat is routinely brought to bear on the framing of new arrangements.<sup>3</sup>

In addition, once imposed, each set of sanctions is administered by a separate sanctions committee authorized by and reporting to the Security Council. Each committee has its own terms of reference, its own leadership and staff, and its own procedures regarding exemptions review and public disclosure. Each of the fifteen member states of the council serve on each sanctions committee, in some cases represented by the same official, in other cases not. There is considerable unevenness in the backgrounds and expertise of the officials involved and in the seriousness with which they approach their responsibilities. No common training is provided.

Thus, differing threats to international peace and security and differing situations of civilians create the need for tailored approaches in each sanctions episode, but a lack of consistency in policy and procedures characterizes the functioning of the individual committees. In the absence of such consistency, the politicization that affects the treatment of methodological issues reviewed in chapter 1 may infiltrate the management of the exemptions process as well.

Exempted items may be imported into a target state either through humanitarian organizations or commercial channels.

Figure 2: UN Sanctions Administration: Formal lines of authority and communication



\* Separate committee for each sanctions regime, each composed of 15 Security Council members and serviced by the Department of Political Affairs Sanctions Branch.

\*\* In the ICRC's view its Geneva Convention mandate to provide humanitarian assistance applies notwithstanding the imposition of sanctions. It therefore notifies the sanctions committees of assistance it is providing, except regarding items for which notification is not required.

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Both require sanctions committee permission. An internal UN secretariat review of applications made of the Iraq and Yugoslav Sanctions Committees concluded that “at least 95 percent of the requests [for exemptions] were purely commercial.” Items programmed by humanitarian organizations, by contrast “were somewhere around 2–5 percent of the total.”<sup>4</sup> Proportionately speaking, therefore, aid organizations are a relatively minor user of the current exemptions arrangements, although the policy debate—and the analysis and recommendations in this report—concentrate on them. Changes in the management of commercial requests for humanitarian exemptions would ostensibly offer greater potential for improvement.

### Recent Experience

In recent years a number of changes have been introduced by the Security Council, its various sanctions committees, and the UN secretariat to make the management of sanctions more clear, consistent, and transparent—in short more regime-like. In March 1995, the president of the Security Council announced measures “to make the procedures of the sanctions committees more transparent,” including annual reports by each committee to the council, more comprehensive annual reporting by the council to the General Assembly, and greater interaction with the media in the form of press releases and press briefings.<sup>5</sup> In August 1995 the council adopted additional measures which have been subsequently implemented by its various sanctions committees.<sup>6</sup>

Many of these changes reflect the experience of the UN system in major recent sanctions episodes. In the case of Serbia and Montenegro, the management of sanctions exemptions improved even as the sanctions themselves were being effectively tightened. In the case of Iraq, the implementation of the oil-for-food program, with tight controls on the humanitarian financing and delivery of goods, provided an impetus to aid efforts while lending new seriousness to sanctions enforcement. In Haiti, where UN sanctions reinforced sanctions already imposed by the Organiza-

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tion of American States (OAS), the framing and management of humanitarian exemptions created problems for aid groups. Each episode deserves more detailed examination.

In former Yugoslavia, the sanctions committee took a number of steps to simplify and expedite the approval of exemptions. "The need for streamlining the Committee's work," it reported, "was mainly a result of a backlog in processing incoming applications for humanitarian exemptions that had been bedeviling the secretariat for some time." Moving away from case-by-case review to establish whether a particular commodity met the "essential humanitarian needs" test, the committee began to authorize the importing of requirements for UNHCR and cooperating UN and NGO agencies in six-month installments. By October 1995, it reported, the backlog had been eliminated.<sup>7</sup>

By the time sanctions were lifted and the committee was disbanded in late 1996, the exemptions process was working well, according to UNHCR, the prime mover in proposing changes.<sup>8</sup> Approval for relief items to assist those fleeing from the Krajina to Serbia in 1995 was granted within 24 hours. Similarly, ICRC needs were accommodated by a decision in February 1995 to grant a blanket exemption to items used in its humanitarian programs, a decision that "not only saved much of the time and effort spent on bureaucratic procedures but also allowed the ICRC to adjust its assistance programmes more rapidly to new circumstances."<sup>9</sup> Yet the sanctions committee remained divided to the very end on items such as newsprint and parts for a water supply project, items that therefore did not receive approval. Its guidance on the permissibility of pension payments to persons in Serbia and Montenegro was also unclear.<sup>10</sup>

In the case of Iraq, the sanctions committee established three categories of humanitarian supplies. For medicines and health supplies, notification of the committee was not necessary. For foodstuffs, notification was required. For all other humanitarian items, a "no objection" procedure was followed: shipments could proceed in the absence of a decision to the contrary. While Iraq's oil resources were clearly more than adequate to generate revenues

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for social programs, the embargo reduced its capacity to do so. Resolution 986, approved April 14, 1995, allowed for the partial lifting of the embargo to sell oil, the proceeds from which would finance humanitarian programs.

The experience with this resolution offers a number of lessons for the management of future sanctions arrangements. First, the kinds of items on which oil revenues were expended during the initial six months of the program might serve as a list for other sanctions episodes. Although the enumerated items run to more than 120 pages, the headings alone might be replicable for use elsewhere.<sup>11</sup> Second, the administration of the 986 program has involved new levels of transparency (for example, more detailed and timely information sharing with governments) from which the program itself benefited.

Third, the active monitoring committed by the United Nations—which included 49 experts from Lloyd’s Register and Seybolt Nederland BV and 151 international observers associated with DHA and the UN’s humanitarian organizations—has helped ensure both that sanctions were taken more seriously by the target authorities and that humanitarian interests were served. Although governments may be more reluctant to underwrite such administrative costs when drawn not from the proceeds of oil sales but from donor contributions, the link between the practical management of large-scale humanitarian assistance and maintaining effective sanctions is now clearly established.

In the case of Haiti, sanctions were initially imposed by the OAS to protest the September 1991 overthrow of democratically elected President Jean-Baptiste Aristide and to bring about his reinstatement. Highly porous, these were reinforced by more comprehensive sanctions imposed by UN Security Council Resolution 841 of June 16, 1993. UN sanctions were removed for a time in 1993, then reinstated and progressively strengthened, finally to be lifted in October 1994 following the U.S.-led intervention and the return of Aristide. Although a Security Council sanctions committee managed humanitarian exemptions, differing understandings by the UN and the OAS as to what constituted humanitarian essentials—as well as different ap-

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proaches by the UN's own agencies—led to considerable confusion.<sup>12</sup>

While the UN system has often experienced difficulties in managing sanctions which the Security Council itself has imposed, the difficulties are compounded when legal and/or administrative responsibility is shared with regional or subregional institutions. The most recent experience involves Burundi, where, responding to a military coup in late July 1996, seven governments in the region imposed sanctions and set up a Regional Sanctions Coordinating Committee (RSCC) to enforce them. Begun as a total economic blockade, exemptions of "human medicines and emergency basic food aid to Rwandese refugees" were approved as something of an afterthought in August 1996 and a wider range of foods, agricultural inputs, and relief flights were authorized in September. Before sanctions were eased in April 1997, they had created some hardship for vulnerable groups (particularly those in Bujumbura and those internally displaced throughout the country) and for international aid agencies. Sanctions were maintained through September 1997 in response to an absence of progress in an unresolved political settlement, with uncertain humanitarian impacts as of this writing.

Although it endorsed the efforts (implicitly including sanctions) of regional governments to find a negotiated solution, the UN Security Council stopped short of embracing the sanctions against Burundi. At the same time, the council held open the possibility of imposing sanctions of its own if diplomatic efforts failed.<sup>13</sup> A recent review concluded that fuller participation from the outset by the UN in the regional sanctions regime might have made the sanctions themselves more effective and the exemptions more serviceable. The governments of Burundi's neighbors had little if any prior experience with sanctions, a factor which may have made them more flexible in responding to the UN requests for humanitarian exemptions during the ensuing eight months.<sup>14</sup>

### **The Present Situation**

Humanitarian organizations credit recent improvements in

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the management of sanctions exemptions with easing earlier problems. Yet a wide array of difficulties remains. Available documentation, supplemented by interviews conducted with scores of officials—both those involved in processing applications and those involved in carrying out aid activities—indicates considerable confusion and even animosity. For example, the Iraq Sanctions Committee reports that applications from aid organizations “are processed expeditiously upon their receipt and letters of acknowledgment are speedily issued.”<sup>15</sup> Pressed for particulars, secretariat officials confirm that processing time is “subject to workload” and complain that a small staff is presently seriously overextended. As of June 1997 just over one-half of the applications received under Security Council Resolution 986 had been approved, with more than 30 percent placed on hold or blocked.<sup>16</sup> Sanctions committee proceedings still take place behind closed doors.

Secretariat officials downplay the extent to which the management of humanitarian exemptions represents a continuing problem since food and medicine are now routinely exempted in each new episode. Again when pressed, however, they concede that not all food qualifies.<sup>17</sup> Similarly, while medicines are a discrete category of items, there are tougher judgment calls involving blood, laboratory equipment, and medical technology such as dialysis machines. Moreover under the ground rules of Resolution 986, food and medicine are not subject to sanctions, but individual purchases and shipments of those same items are themselves subject to the availability of Iraqi oil revenues in the aid account. Items beyond food and medicine require even more discriminating judgments.

Secretariat staff also dismiss continuing complaints by aid groups about the management of humanitarian exemptions. These reflect, they say, “ingrained hostility to sanctions” borne of incompatible objectives. Those charged with managing exemptions have observed the same tension. “Humanitarian and political objectives do not always coincide and even may be contradictory,” notes a statement of principles approved in 1996 by the Inter-

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Agency Standing Committee.<sup>18</sup> In addition, humanitarian organizations place a premium on transparency in their dealings with governments, constituencies, and clients, in contrast to the secrecy which, even after recent changes, still characterizes sanctions committee decision making.<sup>19</sup>

Assessments of the difficulties experienced by practitioners vary widely, even within the same aid agency, suggesting a high degree of variance between the opinion of one staff person and the next. In a broader sense, however, the management of sanctions—not to say the humanitarian terrain in the countries sanctioned—represents hostile territory for aid practitioners. “The UN agencies want *carte blanche*. They want to be trusted,” observes one member of the UN secretariat. “Under the law, however, everyone is suspect.”

Despite efforts to improve the management of exemptions, recent experience suggests that the UN system still approaches each set of exemptions on its own terms. Just as lessons learned from former Yugoslavia did not appear to inform the implementation of exemptions by the sanctions committee for Iraq, or vice versa, there is no assurance that the next set of sanctions arrangements will begin where earlier arrangements left off.

In sum, those responsible for managing exemptions tend to minimize the difficulties of humanitarian organizations and to stress consistency across the UN system in its stewardship of sanctions matters. For their part, aid agencies often exaggerate the negative impacts of sanctions on their client populations and their own activities and the lack of consistency from one case to the next. In an already highly politicized landscape, dialogue on these issues is greatly strained and underscores the need for higher levels of objectivity and professionalism on both sides.

### **Exemptions Options**

A number of approaches to improve framing and managing humanitarian exemptions are outlined below. Three options are presented, and the advantages and disadvantages of each dis-

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cussed. The former entail features that facilitate the delivery of humanitarian assistance, the latter features that impede it.

### *(A) Institution-Specific Exemptions*

#### *The approach*

Established international humanitarian organizations would receive essentially blanket exemptions to import items in support of their activities. Members of the UN system, their nongovernmental implementing partners, and the international members of the Red Cross and Red Crescent movement (the ICRC and the IFRC) would not be bound by the sanctions levied against imports, travel, and other economic transactions. Such organizations would either be outside the established sanctions framework altogether or granted institutional exemptions within it.

The 1995 DHA-commissioned study recommended that “established institutions, when acting within their recognized humanitarian assistance mandate, would not be subjected to sanctions regimes.”<sup>20</sup> A Russian Federation proposal has called for “the complete exemption of international humanitarian organizations from sanctions restrictions so as not to hamper their work in the countries against which sanctions have been imposed.”<sup>21</sup> Institutions could be required or requested to report on their imports and activities after the fact.

#### *Advantages*

- This option affirms the importance of humanitarian activities and the trustworthiness of the institutions engaged in carrying them out.
- Institutions recognized in international law such as the ICRC and UN organizations with established humanitarian mandates would be *ipso facto* exempted from UN sanctions.
- The guiding principle that humanitarian activities *are* what humanitarian organizations *do* would obviate for individual determinations to be made on a case-by-case basis regarding

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- whether one item or another is truly humanitarian.
- Since UN and related activities are already vetted with member states through the UN Consolidated Appeal Process (CAP), governments already have a recognized role in reviewing and funding the activities for which an institutional waiver would be granted. For governments to deny to institutions through the management of exemptions what they have encouraged them to do through the CAP process would be contradictory.
  - When, as in the case of former Yugoslavia, exemptions are granted to international peacekeeping and political institutions, the denial of institutional exemptions to recognized humanitarian entities creates a double standard.
  - This alternative is less administratively intensive for humanitarian organizations and for the authorities managing sanctions arrangements. Both could devote more attention to the monitoring of commercial violations and humanitarian impacts.

### *Disadvantages*

- Inherent in the exemptions process is the core element of control. Some governments may be reluctant to weaken their own authority by relinquishing the prerogative of reviewing requests for exemptions to sanctions on a case-by-case basis.
- Experience demonstrates the desirability of retaining control over exemptions approvals. The Iraq Sanctions Committee currently puts on hold requests for certain dual-use items (e.g., pesticides) for use in central or southern Iraq, whether they are made by the FAO or the Iraqi authorities, while granting FAO's requests for identical items for its programs in the northern directorates. The controlling factor is not the international organization, but the particular political situation on the ground.
- Without some numerical limits, institutions might introduce into a sanctioned country far larger amounts of a given item

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- than were needed, contributing to abuse and illegality.
- NGOs, particularly those that are not UN implementing partners, would still be required to seek specific approval for the importation of humanitarian items.
  - Some organizations that respond to crises provide reconstruction and development aid as well as emergency assistance; an understanding would still be needed about what activities would qualify as “humanitarian,” especially because there is an increasing pressure to move as quickly as possible from relief to development.

### *Conclusion*

This approach has the support, in principle, of many major humanitarian organizations. However it makes no provision for unaffiliated agencies without an operational UN connection. Supported by some governments, it is opposed by others that would like to keep a tighter rein on humanitarian activities in target countries. This approach reduces administrative requirements while freeing up time and resources for other matters, including attending to sanctions policy, monitoring the humanitarian situation, and responding to humanitarian needs.

### *(B) Item-Specific Exemptions*

#### *The approach*

Certain essential items, which in case after case have justified special protection, would be granted blanket exemption. Generic exemptions would include foodstuffs (particularly those consumed by children and other vulnerable groups) and medicines (including drugs and vaccines for human use). Exemptions might also include shelter materials or even, as in Haiti, family planning devices. Politically sensitive or dual-use items (for example, fuel for aid agency vehicles or computers for program management) could remain subject to review. In one variation, no tonnage limits would be fixed for imports into a given country; in another, the

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level of imports would be a function of the activities described in the relevant UN consolidated appeal document.

An example of the item-specific approach in the health sector is offered by WHO, which has drawn up a list placing relief items in three categories. Most are “items which *a priori* should not be subject to sanctions,” including the WHO list of essential drugs, vaccines, water purification materials, consumable medical supplies, and basic medical equipment for primary health care services. A second category, “Items authorized by Security Council at time of imposition of sanctions,” contains raw materials for the manufacture of essential drugs and for water treatment and more sophisticated medical and public health equipment. A third category, “items to be authorized by Sanctions Committee on an ad hoc basis,” involves other equipment needed to operate hospitals and health care systems as well as communications and logistic support.

The item-specific approach has been endorsed from a number of quarters. For example, the Open Ended Working Group has recommended: “Foodstuffs, medicines and medical supplies should be exempted from UN sanctions regimes. Basic/standard medical and agricultural equipment and basic/standard educational items should also be exempted—a list should be drawn up for that purpose. Other essential humanitarian goods should be considered for exemption....”<sup>22</sup> However, an IASC attempt to consolidate lists received from various individual UN agencies into a common roster of items to be exempted came to naught.

### *Advantages*

- Identification of standard items to be exempted would simplify the tasks of humanitarian organizations, suppliers, host government officials, and UN monitors in each successive crisis.
- Items would be exempted for the duration of the sanctions, thereby facilitating planning and administration.
- The more numerous the generic exemptions, the greater the

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- savings in administrative time and resources.
  - Spared (as in the previous option as well) the need to review requests on a case-by-case basis, UN officials could devote time to broader policy and monitoring concerns and to considering items outside the core group.
  - The use of consistent approaches to exemptions management could promote institutional learning among those involved.

### *Disadvantages*

- The concept of a core set of humanitarian necessities, however useful in principle, would need to be augmented by other items required by a given crisis. Thus, some case-by-case review would still be required.
- Such review would also be required for some items of quintessential humanitarian importance which, because of their dual-use nature, are unlikely to receive blanket approval.
- Items of clear humanitarian importance (e.g., medical equipment and technology, agricultural seeds and tools, spare parts for water and power infrastructure) nevertheless involve difficult judgments that necessitate detailed review of the particulars.
- The Consolidated Appeal Process, while theoretically a sound basis for exemptions, does not produce priorities vetted among agencies nor does it quantify the scale of inputs needed.
- As in the case of institution-specific exemptions, item-specific exemptions may encounter resistance from governments unwilling to give up the prerogative of making case-by-case determinations.

### *Conclusion*

This alternative offers policy and administrative advantages for agencies whose activities are broadly exempted while avoiding some of the costs of requesting and managing country-specific exemptions. There are similar benefits and costs to sanctions managers.

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### *(C) Country-Specific Exemptions*

#### *The approach*

Taking into account the idiosyncratic nature of each crisis and country, exemptions would be fashioned to fit particular circumstances. Individual foodstuffs that are staples of vulnerable groups in one country but luxury items for elites in another could be included or excluded as the situation warrants. Exempted items could either be identified separately on a sanctions committee list, or bundled together in a package.

The latter approach evolved in the former Yugoslavia, as described above. A case-by-case review was eventually replaced with arrangements granting UNHCR approvals on a six-monthly basis for inputs needed by itself and its operational partners to operate activities described in the CAP. Items not included on an initial exemptions list would be regularly reviewed for possible inclusion.

#### *Advantages*

- The idiosyncratic nature of individual crises in their political, humanitarian, and financial dimensions could be reflected in the ground rules.
- Rapidly changing circumstances, monitored along lines described in chapter 2, could result in quickly expanded (or contracted) approvals of individual requests as warranted by subsequent developments.
- Humanitarian items subject to nonhumanitarian uses could be approved only in numbers necessary for recognized aid programs.
- Being forced to operate under scrutiny might extract greater coordination, effectiveness, and accountability from humanitarian institutions.
- This approach is more politically realistic because the Security Council retains and would exercise the right to craft and manage exemptions arrangements.

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### *Disadvantages*

- The sheer volume of case-by-case review is overwhelming. The committee on the former Yugoslavia processed some 140,000 applications and other communications.<sup>23</sup>
- The administrative time and expense involved distracts diplomats and secretariat staff from broader sanctions issues. The UN system may lack the competence, much less the comparative institutional advantage, to undertake an administrative function of this magnitude. This option involves not only management but micro-management.
- The option imposes equally onerous and unrealistic burdens on aid groups. The preparation of exemptions applications is likely to undermine the cost-effectiveness and efficiency of their activities.
- More detailed review creates enhanced opportunities for injecting political considerations into the approval process.
- The continuing secrecy and lack of detailed reporting on the part of the sanctions committees means that individual exemptions decisions are not adequately subject to public accountability.

### *Conclusion*

On the merits of the issues, most humanitarian organizations would view option (C) as the least preferable. Governments that place priority on facilitating the work of humanitarian organizations would doubtless agree. Governments more concerned about the purported erosion of sanctions by humanitarian activities would probably favor (B) over (A) and (C) over (B). Administration and monitoring would still be required under each option, although the costs of (B) would exceed those of (A), and the costs of (C) would exceed those of (B). In admittedly complex circumstances, a premium should be placed on ground rules embodying maximum simplicity and clarity, consistency and transparency.

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## Review Procedures and Monitoring

Paralleling the options concerning humanitarian exemptions are alternative approaches with regard to the review procedures for granting exemptions. Option (B) involving item-specific exemptions could thus be accompanied by requirements that such items would proceed without notification of the sanctions committee, would require simple notification, or would be subject to specified no-objection procedures. The case-by-case review provided under option (C) might similarly involve review procedures for specific items which followed such tailored ground rules.

Review procedures should be suitable for the exemption option chosen. In their 1995 letter to the Security Council concerning improvements in the management of sanctions, the PermFive recommended that “the simplest possible authorization procedure should be developed in the case of essential humanitarian supplies—vital to the civilian population—with arrangements for monitoring by United Nations humanitarian agencies when it is necessary.” They further suggest that “clearly defined categories of medical supplies and foodstuffs should be allowed to be supplied even without notification of relevant sanctions committees.”<sup>24</sup>

The acknowledged need for simplicity and clarity is equally applicable to each option. The institution-based option (A) would involve, at the very most, reporting after the fact. Simplicity is especially needed for option (B), lest the greater flexibility enjoyed by item-specific exemptions in relation to country-specific exemptions (C) be vitiated by unwieldy review procedures. Maximum transparency in the review process would also advance the broader objective of enhancing the credibility of the management of exemptions. Individual governments would presumably continue to place holds on individual applications, but clearly understood procedures would be followed and actions taken disclosed.

The various exemptions options available involve differing degrees of political control and, conversely, differing degrees of reliance on and trust in the credibility of humanitarian institutions.

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A recurring theme in interviews with UN secretariat staff and member states was distrust in aid organizations. The perception is widespread that humanitarian organizations are special pleaders for distressed civilian populations—and therefore implicitly, if not explicitly, for the target regimes that abuse them. They are also often viewed as more willing to distribute relief than to account for its end use and to guard against abuse. Some even consider the current presence in Iraq of some 151 observers from humanitarian organizations as tokenism rather than as a sincere effort to establish hard-nosed oversight of aid supplies. Aid practitioners, in short, are not viewed as reliable “team players.” Humanitarian organizations need to be aware of these perceptions and take specific steps to increase their perceived and real objectivity and professionalism.

One way of enhancing the credibility of humanitarian activities and encouraging improved working relationships between officials with political and humanitarian responsibilities would be to institute a system of spot-checks on relief efforts that use exempted materiel. No institution, however impeccable its objectives or well-intended its employees, is beyond error or scrutiny. Since current efforts by aid groups themselves to ensure fuller accountability over their own activities are discounted in some quarters as inadequately objective and rigorous, spot-checks by a mixed team of political and humanitarian officials might improve mutual confidence.

At the same time governmental sanctions policymakers and decision makers should keep in mind that the most serious threats to the effectiveness of sanctions come not from overly broad humanitarian exemptions, not from aid organizations which take advantage of pass-through provisions, and not even from the abuse made by target regimes of relief materiel. Humanitarian exemptions are “the least significant factor to interfere with efficient sanctions enforcement,” concluded an earlier DHA study: “Violations of the sanctions regime with sufficient socioeconomic relevance to actually undermine the efficiency or the effectiveness of sanction implementation do not originate from the realm of

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humanitarian concerns and activities.”<sup>25</sup> The principal causes of noncompliance with a UN sanctions decision are commercial and political, not humanitarian. The largest sources of sanctions “leakage” are black marketeering and government noncooperation or corruption. Efforts to improve sanctions compliance and effectiveness should, therefore, be directed where there is the highest payoff.

## Conclusions

Discussions of sanctions options, review procedures, and monitoring seem to pit humanitarian organizations *against* political actors. The former seek maximum freedom to respond to human needs; the latter, maximum control over aid activities. However, the actual interests of humanitarian and political institutions are far more complex and far less adversarial than generally perceived. Indeed, humanitarian agencies differ among themselves, as do political actors, regarding the various options.

Although humanitarian organizations might be tempted, given their *raison d'être*, to seek the largest possible scope for the maximum number of activities, their interests may be served by the exercise of discipline in the programs they attempt. Acknowledging the special political constraints inherent in sanctions settings, they may be well-advised not to seek to define “humanitarian” as broadly as possible or to mount the full range of activities to which they are accustomed in nonsanctions settings. Responding to suffering experienced under sanctions should not be approached as if the challenge were that of a natural disaster, chronic underdevelopment, or complex emergency.

Organizations unwilling to circumscribe their activities, or see them circumscribed, should perhaps not try to become operational or to maintain their presanctions levels of operations. Also unsuited to the task are organizations that insist on keeping their options open to approach the sanctioning authorities on their own behalf rather than in coordinated fashion, and organizations largely dependent on donor governments for resources. Sanctions

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inevitably impose tight political constraints on the humanitarian space normally enjoyed by such agencies.

For their part, governments have a demonstrable interest in more smoothly functioning exemption arrangements. While some governments are clearly reluctant to regularize and make public their deliberations and actions, increased accountability and transparency may prove essential to generating the necessary public support for economic sanctions measures. There may be twin rewards for resisting the evident temptation to politicize the exemptions process: the enhanced credibility and effectiveness of humanitarian organizations, and the fuller realization of the *political* objectives of sanctions. Discipline on the part of sanctioners, too, will thus have its rewards.

Governments have limited credibility when claiming that sanctions are targeted only on regimes and political elites when the targeters themselves are perceived to frustrate international efforts on behalf of affected civilian populations. The insistence of the Security Council that targeted authorities provide unimpeded access to distressed populations is strengthened to the extent that relief materiel is not obstructed by the council itself in its management of exemptions arrangements.

Political realism from humanitarians requires accepting that sanctions—if not by design, at least in their execution—may, in their effort to produce political change, hurt vulnerable populations. Conversely, humanitarian realism from political decision makers requires accepting that it will be counterproductive for sanctions, and for those who impose them, to be associated with the deaths of large numbers of civilians from preventable causes. What is needed in the framing and management of exemptions is to establish the humanitarian limits of sanctions, the political limits of humanitarian action, and the appropriate balance between the two.

### Recommendations

- As the basis for moving from an ad hoc approach to that of a “regime,” the Security Council should strive, for reasons of

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policy and credibility, to treat comparable situations similarly. It should affirm as a matter of principle that vulnerable populations should be spared adverse consequences from sanctions and that humanitarian activities are legitimate. In particular, the council should stipulate in advance those exemptions that will be considered essential on humanitarian grounds. DHA and/or its successor body should serve as an advocate with the Security Council, its sanctions committees, and the DPA regarding the importance of humanitarian exemptions. The exemption discussion and review process should be transparent.

- Humanitarian and political actors should review their past experiences with sanctions in order to inform future courses of action. Their experience should be made available to regional and subregional institutions contemplating the imposition of sanctions. These institutions should be engaged more intensively by the wider community of states and other actors when contemplating the imposition of regional sanctions.
- The Interagency Standing Committee should review the various exemptions options with an eye toward achieving consensus on approaches to be recommended. Steps should be taken to strengthen the consolidated appeal process as a way to clarify humanitarian program priorities.



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## NOTES

### Prologue

<sup>1</sup>For a discussion of these and other circumstances associated with the increased use of sanctions see George A. Lopez and David Cortright, "Economic Sanctions in Contemporary Global Relations," in David Cortright and George A. Lopez, eds., *Economic Sanctions: Panacea or Peacebuilding in a Post Cold War World?* (Boulder, Colo.: Westview Press, 1995), 3-17; for a discussion of the historical developments within the UN system, see Thomas G. Weiss, David P. Forsythe, and Roger A. Coate, *The United Nations and Changing World Politics*, 2nd ed. (Boulder, Colo.: Westview Press, 1997).

<sup>2</sup>Richard N. Haas, "Sanctioning Madness," *Foreign Affairs* 7, no. 6 (November/December 1997): 74.

<sup>3</sup>This expanding range of purposes is examined in John Stremmlau, *Sharpening Economic Sanctions: Toward a Stronger Role for the United Nations*, Report to the Carnegie Commission on Preventing Deadly Conflict (New York: Carnegie Corporation, November 1996).

<sup>4</sup>For discussions of combined military and economic sanctions in these cases, see Larry Minear, U. B. P. Chelliah, Jeff Crisp, John MacKinlay, and Thomas G. Weiss, *United Nations Coordination of the International Humanitarian Response to the Gulf Crisis 1990-1992*, Occasional Paper #13 (Providence, R.I.: Watson Institute, 1993); Richard H. Ullman, ed., *The World and Yugoslavia's Wars* (New York: Council on Foreign Relations, 1996); and Robert Maguire, Edwige Balutansky, Jacques Fomerand, Larry Minear, William O'Neill, Thomas G. Weiss, and Sarah Zaidi, *Haiti Held Hostage: International Responses to the Quest for Nationhood 1986-1996*, Occasional Paper #23 (Providence, R.I.: Watson Institute, 1996).

<sup>5</sup>For multilateral sanctions, this research question stands in strict contrast to the already existing findings of the devastating humanitarian impacts of some unilateral cases, where sanctions are more frequently punitive. The unilateral episode most thoroughly documented in the literature involves U.S. sanctions against Cuba; see Michael Krinsky and David Golove, eds., *United States Economic Measures Against Cuba* (Northampton, Mass.: Aletheia Press, 1993); Kamran Nayeri, "The Cuban Health Care System and the Factors Undermining It," *Journal of Community Health* 20, no. 4 (August 1995): 321-334; Richard Garfield et al., "The Impact of Economic Crisis and Embargo on Health in Cuba,"

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unpublished paper, June 3, 1996; William M. LeoGrande, "Making the Economy Scream: Economic Sanctions Against Sandinista Nicaragua," *Third World Quarterly* 17, no. 2 (1996): 329-348.

<sup>6</sup>These terms of reference are recapped in the opening paragraph of the preface that follows.

<sup>7</sup>These case studies are found in Thomas G. Weiss, David Cortright, George A. Lopez, and Larry Minear, eds., *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions* (Lanham, Md.: Rowman and Littlefield, 1997): Neta Crawford, "The Humanitarian Consequences of Sanctioning South Africa," 57-89; Eric Hoskins, "The Humanitarian Impacts of Economic Sanctions and War in Iraq," 91-147; Julia Devin and Jaleh Dashti-Gibson, "Sanctions in the Former Yugoslavia: Convoluted Goals and Complicated Consequences," 149-187; and Sarah Zaidi, "Humanitarian Effects of the Coup and Sanctions in Haiti," 189-212.

<sup>8</sup>Some of the attraction may be explained by the reality that sanctions, despite appearing as an "alternative" to direct use of force, are always meant to convey "punishment" on the target for their behavior. See Kim Richard Nossal, "International Sanctions as International Punishment," *International Organization* 43, no. 2 (Spring 1989): 301-323. See also Robert A. Pape, "Why Economic Sanctions Do Not Work," *International Security* 22, no. 2 (Fall 1997): 90-136.

<sup>9</sup>See, for example, Paul Conlon, "The UN's Questionable Sanctions Practice," *Aussenpolitik [German Foreign Affairs Review]* 46, no. 4 (1995): 327-338.

<sup>10</sup>One of the few exceptions to the dearth of literature is the recent report to the Carnegie Commission on Preventing Deadly Conflict by Stremlau, *Sharpening Economic Sanctions*.

<sup>11</sup>Quoted by Claudia von Braunmühl and Manfred Kulesa, *The Impact of UN Sanctions on Humanitarian Assistance Activities: Report on a Study Commissioned by the United Nations Department of Humanitarian Affairs* (Berlin, 1995), 2.

<sup>12</sup>United Nations, IASC (Geneva: United Nations, 1996), section 12.

<sup>13</sup>Boutros Boutros-Ghali, *Supplement to an Agenda for Peace*, paras. 66-76, reprinted in *An Agenda for Peace 1995* (New York: United Nations, 1995).

<sup>14</sup>Peter Walker, "Sanctions: A Blunt Weapon," *Red Cross, Red Crescent*, issue 3, 1995, 19.

<sup>15</sup>Gary C. Hufbauer, Jeffery J. Schott, and Kimberly Ann Elliott, *Economic Sanctions Reconsidered: History and Current Policy*, 2nd ed. (Wash-

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ington, D.C.: Institute for International Economics, 1990), 2.

<sup>16</sup>See Pape, "Why Economic Sanctions Do Not Work," 90-136.

<sup>17</sup>Margaret P. Doxey, *International Sanctions in Contemporary Perspective*, 2nd ed. (New York: St. Martin's Press, 1996), 65.

<sup>18</sup>Richard Falk, "The Use of Economic Sanctions in the Context of the Changing World Order," paper delivered at the Conference on International Economic Sanctions in the Post Cold War Era, Philadelphia, Penn., October 17, 1992, 1.

<sup>19</sup>Alan Dowty, "Sanctioning Iraq: The Limits of the New World Order," *Washington Quarterly* 17, no. 3 (Summer 1994): 192.

<sup>20</sup>For an examination of these developments, see Crawford, "The Humanitarian Consequences of Sanctioning South Africa," and Jennifer Davis, "Sanctions and Apartheid: The Economic Challenge to Discrimination," in Cortright and Lopez, eds., *Economic Sanctions*, 173-184.

<sup>21</sup>See the testimony of then CIA Director William Webster before the Senate Armed Services Committee, December 4, 1990, reprinted in *The Congressional Record*, January 10, 1991, S123-24.

<sup>22</sup>Remarks of Rolf Ekeus, Conference on Nuclear Nonproliferation and the Millennium: Prospects and Initiatives, Carnegie Endowment for International Peace, Washington, D.C., February 13, 1996.

<sup>23</sup>For further discussion, see George A. Lopez and David Cortright, "Economic Sanctions and Human Rights: Part of the Problem or Part of the Solution?" *The International Journal of Human Rights* 1, no. 2 (Summer 1997): 1-25.

<sup>24</sup>Edward N. Luttwak, "Toward Post-Heroic Warfare," *Foreign Affairs* 74, no. 3 (May/June 1995): 118.

<sup>25</sup>*Report of the Copenhagen Round Table on United Nations Sanctions in the Case of the Former Yugoslavia*, Copenhagen, June 24 and 25, 1996, S/1996/776, 3.

<sup>26</sup>For a discussion, see Devin and Dashti-Gibson, "Sanctions in the Former Yugoslavia: Convolved Goals and Complicated Consequences," and Susan L. Woodward, "The Use of Sanctions in Former Yugoslavia: Misunderstanding Political Realities" and Sonja Licht, "The Use of Sanctions in Former Yugoslavia: Can They Assist in Conflict Resolution?" in Cortright and Lopez, eds., *Economic Sanctions*, 141-151 and 153-160.

<sup>27</sup>For a discussion of these developments, see Zaidi, "Humanitarian Effects of the Coup and Sanctions in Haiti," and Claudette Antoine Werleigh, "The Use of Sanctions in Haiti: Assessing the Economic Realities," in Cortright and Lopez, eds., *Economic Sanctions*, 79. See also Robert Maguire, et al., *Haiti Held Hostage: International Responses to the Quest*

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for *Nationhood*.

<sup>28</sup>Crawford, "The Humanitarian Consequences of Sanctioning South Africa," in Weiss et al., *Political Gain and Civilian Pain*.

<sup>29</sup>A detailed review of the impacts of sanctions is contained in Hoskins "The Humanitarian Impacts of Economic Sanctions and War in Iraq"; see also Lopez and Cortright, "Economic Sanctions and Human Rights."

<sup>30</sup>Questions about the statistics are raised in a letter to *The Lancet*, 347/8995 (January 20, 1995), 198; and in Kim Richard Nossal, Lori Birch, and Nicole Gallant, "Sanctions as a Gendered Instrument of Statecraft," paper for delivery to British International Studies Association, Durham, England, December 17, 1996, 18, note 3. For another view, see Sarah Zaidi, "Child Mortality in Iraq," *The Lancet* 350 (October 11, 1997): 1105.

<sup>31</sup>Devin and Dashti-Gibson, "Sanctions in the Former Yugoslavia," 172. See also Larry Minear, Jeffrey Clark, Roberta Cohen, Dennis Gallagher, Iain Guest, and Thomas G. Weiss, *Humanitarian Action in the Former Yugoslavia: The U.N.'s Role 1991-1993*, Occasional Paper #18 (Providence, R.I.: Watson Institute, 1994).

<sup>32</sup>Elizabeth D. Gibbons, "Violating Children's Rights in Haiti: An Assessment of Sanctions," unpublished manuscript, September 1997, 87 and *passim*.

<sup>33</sup>*Ibid.*, 30-34.

<sup>34</sup>*Ibid.*, 62.

<sup>35</sup>Lori Fisler Damrosch, "The Civilian Impact of Economic Sanctions," in Lori Fisler Damrosch, ed., *Enforcing Restraint: Collective Intervention in Internal Conflicts* (New York: Council on Foreign Relations, 1993), 281-282.

<sup>36</sup>Drew Christiansen and Gerard Powers, "Economic Sanctions and the Just War Doctrine," in Cortright and Lopez, eds., *Economic Sanctions*, 97-117.

<sup>37</sup>Jack T. Patterson, "The Political and Moral Appropriateness of Sanctions," in *ibid.*, 89-96.

<sup>38</sup>Roger Normand, "Iraqi Sanctions, Human Rights, and Humanitarian Law," *Middle East Report* (July-September 1996): 43.

<sup>39</sup>See "The Challenge of Peace: God's Promise and Our Response," a pastoral letter, U.S. Catholic Conference of Bishops, May 3, 1983, 39-62.

<sup>40</sup>For an extended discussion, see George A. Lopez and David Cortright, "Financial Sanctions: The Key to a 'Smart' Sanctions Strategy,"

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*Die Friedens-Warte* 72, no. 4 (December 1997).

<sup>41</sup>This discussion of strategic design draws heavily from Gibbons's "Violating Children's Rights in Haiti," 107-112.

<sup>42</sup>Hufbauer et al., *Economic Sanctions Reconsidered*, 63.

<sup>43</sup>Jaleh Dashti-Gibson, Patricia Davis, and Benjamin Radcliff, "On the Determinants of the Success of Economic Sanctions: An Empirical Analysis," *American Journal of Political Science* 41, no. 2 (April 1997): 608-618.

<sup>44</sup>American Friends Service Committee, *Dollars or Bombs*, 9.

<sup>45</sup>Damrosch, "Civilian Impact of Economic Sanctions," 302.

<sup>46</sup>Alexander L. George and Richard Smoke, *Deterrence in American Foreign Policy: Theory and Practice* (New York: Columbia University Press, 1974), 608; Alexander L. George, *Forceful Persuasion: Coercive Diplomacy as an Alternative to War* (Washington, D.C.: United States Institute of Peace, 1991), 11.

<sup>47</sup>See David Cortright, ed., *The Price of Peace: Inducement Strategies for International Conflict Prevention* (Lanham, Md.: Rowman and Littlefield, 1997).

<sup>48</sup>See Philip E. Tetlock and Aaron Belkin, eds., *Counterfactual Thought Experiments in World Politics: Logical, Methodological, and Psychological Perspectives* (Princeton, N.J.: Princeton University Press, 1996).

## Preface

<sup>1</sup>Claudia von Braunmühl and Manfred Kulesa, *The Impact of UN Sanctions on Humanitarian Assistance Activities*, Report on a Study Commissioned by the United Nations Department of Humanitarian Affairs (Berlin: Gesellschaft für Communication Management Interkultur Training, December 1995).

<sup>2</sup>Cortright and Lopez, eds., *Economic Sanctions*; Cortright and Lopez, "The Sanctions Era: An Alternative to Military Intervention," *The Fletcher Forum of World Affairs* 19, no. 2 (May 1995); Cortright, ed. *The Price of Peace: Incentives and International Conflict Prevention* (Lanham, Md.: Rowman & Littlefield, 1997); Cortright and Lopez, "Sanctions and Human Rights," *International Journal of Human Rights* 1, no. 2 (1997).

<sup>3</sup>See, for example, Kofi Annan, *Renewing the United Nations: A Programme for Reform*, UN document A/51/950 July 16, 1997.

<sup>4</sup>Stephen D. Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables," in Stephen D. Krasner, ed., *International Regimes* (Ithaca, N.Y.: Cornell University Press, 1983), 1.

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<sup>5</sup>Thomas G. Weiss, David Cortright, George A. Lopez, and Larry Minear, eds., *Political Gain and Civilian Pain: Humanitarian Impacts of Economic Sanctions* (Landover, Md.: Rowman and Littlefield, 1997).

<sup>6</sup>Eric Hoskins and Samantha Nutt, *The Humanitarian Impacts of Economic Sanctions on Burundi*, Occasional Paper #29 (Providence, R.I.: Watson Institute, 1997). The report, including recommendations to both governments in the region and the UN system, is available from the Watson Institute and may be downloaded directly from its website at: [www.brown.edu/Departments/Watson\\_Institute/H\\_W](http://www.brown.edu/Departments/Watson_Institute/H_W)

## Chapter 1

<sup>1</sup>Boutros Boutros-Ghali, *Supplement to an Agenda for Peace*, document A/50/60, January 3, 1995, 17-18.

<sup>2</sup>Peter Walker, "Sanctions: A Blunt Weapon," *Red Cross, Red Crescent*, no. 3, 1995, 19.

<sup>3</sup>von Braunmühl and Kulesa, *The Impact*.

<sup>4</sup>Eric Hoskins, "A Study of UNICEF's Perspective on Sanctions," consultant's report, January 1997.

<sup>5</sup>Letter of April 13, 1995 to the President of the Security Council, document S/1995/200, Annex 1.

<sup>6</sup>Informal Open Ended Working Group of the General Assembly on an Agenda for Peace, "Subgroup on the Question of United Nations Imposed Sanctions," provisional text, July 10, 1996.

<sup>7</sup>Working paper submitted by the Russian Federation, document A/AC.182/L.94, January 27, 1997, paras. 1, 8, 9. Comments on the final report received from the agencies noted the timeliness as well of a report on the impact of armed conflict on children prepared by Ms. Grace Machel, an expert appointed by the secretary-general and later submitted by him to the General Assembly for review and action. (A/51/306, August 26, 1996).

<sup>8</sup>U.S. General Accounting Office, *International Trade: Issues Regarding Imposition of an Oil Embargo Against Nigeria*, document GAO/GGD-95-24, 12.

<sup>9</sup>Report of the Copenhagen Round Table on United Nations Sanctions in the Case of the Former Yugoslavia, document S/1996/776, para. 97.

<sup>10</sup>Note from the Department of Humanitarian Affairs concerning the possible humanitarian impact of the international flight ban decided in Security Council Resolution 1070 (1996)," report from the expert,

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February 20, 1997, para. 2.

<sup>11</sup>The government's statement of August 4, 1996 is quoted in *ibid.*, para. 41.

<sup>12</sup>Dr. Lousia Chan, correspondence with research team, September 15, 1997.

<sup>13</sup>See *Guidelines for Crop and Food Supply Assessment Missions: GIEWS-1996*, UN Food and Agricultural Organization, 1996.

<sup>14</sup>Mariam Ahmed, correspondence with research team, September 17, 1997.

<sup>15</sup>Annan, *Renewing the United Nations*, Annex.

<sup>16</sup>Julia Devin and Jaleh Dashti-Gibson, "Sanctions in the Former Yugoslavia: Convolutioned Goals and Complicated Consequences," in Weiss et al., *Political Gain and Civilian Pain*, chapter 5.

<sup>17</sup>Pirkko Kourula, "International Protection of Refugees and Sanctions: Humanizing the Blunt Instrument," *International Journal of Refugee Law* (Fall 1997).

<sup>18</sup>von Braunmühl and Kulesa, *The Impact*, 52.

<sup>19</sup>*Ibid.*, 66.

<sup>20</sup>The sanctions committees' management of humanitarian exemptions to UN sanctions measures is treated in detail in chapter 3.

<sup>21</sup>For this quotation and a more extended discussion, see Larry Minear, et al., *Humanitarian Action in the Former Yugoslavia*, 92–103.

<sup>22</sup>Quoted in von Braunmühl and Kulesa, *The Impact*, 58.

<sup>23</sup>For a diagrammatic presentation of the differing relations between humanitarian institutions and the Security Council, see figure 2, page 38. Governments and UN organizations are Recognized Direct Interlocutors, whereas NGOs number among the Private Sector Petitioners.

<sup>24</sup>One analyst notes that "for years the UN's world trade database Comtrade has contained data on illicit transactions with Iraq. The relevant committee has at no time taken the trouble to clarify these trade flows." Paul Conlon, "The UN's Questionable Sanctions Practices," *Aussenpolitik* 46, no. 4 (1995): 336.

<sup>25</sup>For a more extended discussion, see Robert Maguire, et al., *Haiti Held Hostage*, 41–54.

<sup>26</sup>In comments on the present report in its draft form, FAO noted that "the separation between 'humanitarian' and 'development' activities is in most cases artificial and counterproductive. It is contrary to the [relief-to-development] continuum concept which is increasingly accepted by the UN system, and in particular FAO." Mariam Ahmed, Secretary, FAO Emergency Coordination Group, to David Cortright,

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Comments, Sept. 10, 2.

<sup>27</sup>For a more extensive discussion of issues related to the definition of humanitarian assistance, see Larry Minear and Thomas G. Weiss, *Mercy Under Fire: War and the Global Humanitarian Community* (Westview Press: Boulder: 1995), 18–30.

<sup>28</sup>The sectoral collaboration achieved among the organizations during the sanctions period served as a basis for mounting reconstruction activities after the reinstatement of President Aristide. See UNDP, “Humanitarian Assistance as a Bridge to Reconstruction” (Briefing Note #5, September 24, 1994).

## Chapter 2

<sup>1</sup>A case in point concerns press accounts, attributed to an FAO report on the impact of sanctions in Iraq, alleging the deaths of more than 560,000 Iraqi children between 1991 and 1995 due to sanctions. This figure was not cited as an official FAO “estimate” in the report; nor was it widely acknowledged that the figure was arrived at through a geographically limited household survey that recorded only 36 infant and 245 child deaths during the period. For a discussion of the controversy, see Sarah Zaidi and Mary C. Smith Fawzi, “The Health of Baghdad’s Children,” *The Lancet*, 346 (December 2, 1995): 1485-86; various queries and replies in “Sanctions against Iraq,” *The Lancet*, 347 (January 20, 1996): 198-200; and Kim Richard Nossal, Lori Buck, and Nicole Gallant, “Sanctions as a Gendered Instrument of Statecraft,” paper delivered at the British International Studies Association, Durham, England, December 17, 1996, esp. 17–20.

<sup>2</sup>von Braunmühl and Kulesa, *The Impact*, 34.

<sup>3</sup>Richard Garfield, “The Impact of Economic Embargoes on the Health of Women and Children,” forthcoming, *Journal of the American Medical Women’s Association*. Among those considered most vulnerable in sanctioned societies have been women and children. For a recent analysis of issues dealing with women and sanctions, as well as the gender bias built into assessments that group victims like children and women together, see Kim Richard Nossal et al., “Sanctions as a Gendered Instrument.”

<sup>4</sup>Hoskins, “UNICEF’s Perspective,” 1-10.

<sup>5</sup>Ibid., 17-20.

<sup>6</sup>von Braunmühl and Kulesa, *The Impact*, 31-33.

<sup>7</sup>See David M. Rowe, *Surviving Economic Coercion: Rhodesia’s Responses*

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to *International Economic Sanctions*, unpublished Ph.D. thesis, Department of Political Science, Duke University, 1993. Rowe examines the economic and political impacts of sanctions on Rhodesia and surveys the changing policies and actions of government as it worked with key industries and trade sectors in the country.

<sup>8</sup>This methodology draws on Hoskins, "UNICEF's Perspective."

### Chapter 3

<sup>1</sup>See, for example, Article 23 of the Fourth Geneva Convention of 1949 and Article 70 of Additional Protocol 1 of 1977.

<sup>2</sup>Some analysts speak of "waivers" rather than "exemptions," reflecting the reality that humanitarian items remain within the sanctions framework and subject to the ground rules imposed. This report uses the latter term.

<sup>3</sup>Two lawyers have concluded from a detailed review that "the Security Council has demonstrated a troubling tendency to overlook its previous clarifications when instituting a new sanctions regime based on the provisions of previous sanctions resolutions." Michael P. Scharf and Joshua L. Dorosin, "Interpreting UN Sanctions: The Rulings and Role of the Yugoslavia Sanctions Committee," *Brooklyn Journal of International Law* 19, no. 3 (1993): 814.

<sup>4</sup>The review was conducted in August 1992 by Paul Conlon and is referenced in his article, "Mitigation of UN Sanctions," *German Yearbook of International Law* 39 (1996): 262, n. 35.

<sup>5</sup>Note by the President of the Security Council, document S/1995/234, March 29, 1995.

<sup>6</sup>Press Release SC/6088-IK/181 of August 22, 1995 outlines the "transparency package" adopted on August 17, 1995.

<sup>7</sup>Document S/1996/946, paras. 11, 12.

<sup>8</sup>The experience in Yugoslavia is instructive from the standpoint of the indirect impacts of sanctions on humanitarian activities. The measures affected not only activities serving some half million refugees in Serbia and Montenegro but also an additional 600,000 persons in Bosnia and Herzegovina who, though not under the sanctions, were served by UN programs based in the former Yugoslavia. In May 1993, shipments to the Muslim enclaves in eastern Bosnia and to Sarajevo, about which the council expressed particular concern, were restricted by the council's sanctions clearance procedures already in place. "UNHCR Discussion Paper on Humanitarian Action in a Sanctions Environment: The Impact

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of Sanctions imposed on the Federal Republic of Yugoslavia on the Delivery of Humanitarian Assistance,” paper prepared for the Round Table on the Effectiveness of UN Sanctions in the Case of the Former Yugoslavia, June 24-25, 1996, 2, 4.

<sup>9</sup>Statement of the ICRC, *Annexes to the Report of the Round Table on United Nations Sanctions: The Case of the Former Yugoslavia*, 293.

<sup>10</sup>In citing the newsprint and water supply examples, Ambassador Emilio J. Cardenas of Argentina, who for a time chaired the sanctions committee, observed that “the definition of items and services for essential humanitarian need in the case of the former Yugoslavia was not always, in my opinion, satisfactory or even up to the standards of modern times.” Address, reprinted in *Annexes to the Report of the Round Table*, 19.

<sup>11</sup>Technically speaking, the items enumerated are not those exempted from the continuing embargo but those on which Iraqi oil revenues deposited in a special UN account may be expended.

<sup>12</sup>For an elaboration of the difficulties, see Maguire, et al., *Haiti Held Hostage*, 29-58.

<sup>13</sup>Resolution 1072 of August 30, 1996, held out the possibility that the council might impose, under Chapter VII, “a ban on the sale or supply of arms and related materiel of all types to the regime in Burundi and to all factions inside or outside Burundi, and measures targeted against the leaders of the regime and all factions who continue to encourage violence and obstruct a peaceful resolution of the political crisis in Burundi.” Document S/RES/1072 (1996), para. 11.

<sup>14</sup>For a detailed treatment of the issues, see Hoskins and Nutt, *Humanitarian Impacts*. In another episode involving a subregional organization, the foreign ministers of the Economic Community of West African States (ECOWAS) in August 1997 imposed an embargo against Sierra Leone to isolate a regime that had overthrown a democratically elected government.

<sup>15</sup>Document S/1996/700, para. 38.

<sup>16</sup>The Secretary-General’s Report of June 1997 notes that as of May 30, 1997, 630 applications for exports of humanitarian supplies had been received. Of these, 574 (91 percent) had been circulated to the committee, 331 (53 percent) approved, 191 (30 percent) placed on hold or blocked, and 38 (6 percent) pending under the no-objection procedure or awaiting clarification. Document S/1997/419, June 2, 1997, para. 2.

<sup>17</sup>Luxury foodstuffs consumed only by elites are sometimes proscribed. Beer has been allowed while whisky has not. Cigarettes have been permitted while tobacco denied entry. Clothing but not textiles has

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been granted entry.

<sup>18</sup>The statement observes that “it is well recognized that all United Nations personnel operate on the basis of neutrality and impartiality. However, the principles governing humanitarian agency operation normally require that agencies maintain a certain degree of independence from UN-authorized political and/or military activities.” Inter-Agency Standing Committee, “Respect for Humanitarian Mandates in Conflict Situations” (Geneva: UN, 1996), sections 12 [in text] and 2 [in footnote]. Approval of the statement was delayed until all IASC member agencies and DPA concurred in the wording.

<sup>19</sup>For a discussion of the importance of transparency in humanitarian operations, see Larry Minear and Thomas G. Weiss, *Humanitarian Action in Times of War: A Handbook for Practitioners* (Boulder, Colo., and London: Lynne Rienner Publishers, 1993), 30.

<sup>20</sup>von Braunmühl and Kulesa, *The Impact*, 18.

<sup>21</sup>Document A/AC.182/L.94, para. 9(I).

<sup>22</sup>Informal Working Group on Agenda for Peace, provisional text, para. 18.

<sup>23</sup>Document S/1996/946, para. 8. The Iraq committee during the period 1991-1995 received and processed 22,095 communications on humanitarian matters from states and international organizations. Document S/1996/700, para. 37.

<sup>24</sup>Letter of April 13, 1995, Document S/1995/200, Annex 1.

<sup>25</sup>von Braunmühl and Kulesa, *The Impact*, 28.

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APPENDIX:  
ABOUT THE COLLABORATING ORGANIZATIONS  
AND AUTHORS

The present report is one product in a collaborative research project on economic sanctions by the Humanitarianism and War Project at Brown University's Watson Institute, the Joan B. Kroc Institute for International Peace Studies at the University of Notre Dame, and the Fourth Freedom Forum of Goshen, Indiana. The research project is described in the preface; the collaborating institutions and authors are described below.

**The Humanitarianism and War Project** is an independent policy research initiative underwritten by some 40 UN organizations, governments, NGOs, and foundations. During the years 1991-1996, it conducted more than 3,000 interviews in complex emergencies around the world, producing an array of case studies, handbooks and training materials, books, articles, and op-eds for a diverse audience of humanitarian practitioners, policy analysts, academics, and the general public. Beginning in 1997 and building on earlier research, the project is examining the process of institutional learning and change among humanitarian organizations in the post-Cold War period.

The project is part of Brown University's Watson Institute for International Studies, which was established in 1986 to facilitate the analysis of global problems and to develop initiatives to address them. Additional information about the institute and the project may be found on the internet at [www.brown.edu/Departments/Watson\\_Institute/](http://www.brown.edu/Departments/Watson_Institute/) or by contacting the Watson Institute for International Studies, Brown University, Box 1970, 2 Stimson Avenue, Providence, RI 02912; Phone: 401-863-2728 / Fax: 401-863-3808.

**The Joan B. Kroc Institute for International Peace Studies** at the University of Notre Dame was established in 1986 to provide undergraduate and graduate education, conduct research, and engage in public outreach. Its purpose is to develop and apply integrated multidisciplinary approaches to understand

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the causes of violence and the conditions for peace, to resolve violent conflicts, and to contribute to the demilitarization of international relations. It seeks to be a multifaceted training, research, and policy institute in which each activity supports the others. A hallmark of the institute is its international character, manifested especially in its graduate education and also in its research and outreach activities. For more information, contact The Joan B. Kroc Institute for International Peace Studies, University of Notre Dame, Hesburgh Center, Box 639, Notre Dame, IN 46556; Phone: 219-631-6970 / Fax: 219-631-6973; or visit the website at [www.nd.edu/~krocinst](http://www.nd.edu/~krocinst)

**The Fourth Freedom Forum** is a private, nonprofit foundation that promotes informed public discussion of international security issues, emphasizing the use of economic power instead of military force. Founded in 1982 by Howard S. Brembeck, the forum specializes in the study of economic sanctions and incentives with a particular focus on nuclear nonproliferation, humanitarianism, and the prevention of war. The goal is to achieve “freedom from fear” through the large-scale reduction of armaments and the establishment of enforceable international law. The forum has cosponsored several programs with the Joan B. Kroc Institute for International Peace Studies. Further inquiries can be made to the forum at: Fourth Freedom Forum, 803 North Main St., Goshen, IN 46528; Phone: 800-233-6786 or 219-534-3402 / Fax: 219-534-4937; e-mail: [FFF@thn.net](mailto:FFF@thn.net)

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**George A. Lopez** is a faculty fellow at the Kroc Institute for International Peace Studies and professor of government and

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international studies at the University of Notre Dame. His research concerns humanitarianism, violence and the use of force, economic sanctions, and human rights issues. Most recently, he coedited, with David Cortright, *Economic Sanctions: Panacea or Peacebuilding in a Post-Cold War World?* (1995) and with Nancy Myers, *Peace and Security: The Next Generation* (1997). He serves on the editorial boards of *The Bulletin of the Atomic Scientists*, *Human Rights Quarterly*, and *Mershon International Studies Review*.

**Larry Minear** is senior fellow at Brown University's Watson Institute for International Studies, where he is principal researcher and with Thomas G. Weiss, codirector of the Humanitarianism and War Project. He has worked on humanitarian and development issues since 1972. His latest books are *The Media, Civil Wars, and Humanitarian Action* (1996, with Colin Scott and Thomas G. Weiss), *Soldiers to the Rescue: Humanitarian Lessons from Rwanda* (1996, with Philippe Guillot), and *Humanitarian Action and Politics: The Case of Nagorno-Karabakh* (1997, with S. Neil McFarlane).

**Julia Wagler** is senior researcher at the Fourth Freedom Forum. A graduate of Goshen College, she has worked on economic sanctions and incentives, South Asian nuclear policy, and United Nations reform issues. She has accepted recently a teaching and research assignment with Mennonite Central Committee in Lebanon.

**Thomas G. Weiss** is research professor and director of the Global Security Program at Brown University's Watson Institute for International Studies and also executive director of the Academic Council on the United Nations System. Previously he held several UN posts (at the UN Conference on Trade and Development, the UN Commission for Namibia, the UN Institute for Training and Research, and the International Labour Organisation) and also served as executive director of the International Peace Academy. He has authored or edited 25 books on aspects of development, peacekeeping, humanitarian action, and international organization. He is on the editorial boards of *Global Governance* and *Third World Quarterly*.